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U.S. Congress. House. Committee on foreign affairs.



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FURTHER REGULATING THE GRANTING OF VISÉS BY DIPLOMATIC AND CONSULAR OFFICERS

HEARINGS

BEFORE THE

U.S. House
COMMITTEE ON FOREIGN AFFAIRS

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

THIRD SESSION

ON

H. R. 15857 and H. R. 15953

FURTHER REGULATING THE GRANTING OF VISÉS BY DIPLOMATIC
AND CONSULAR OFFICERS OF THE UNITED STATES,
AND FOR OTHER PURPOSES

JANUARY 22, 24, 28, 31, 1921

STATEMENT OF

HON. JOHN J. ROGERS

A Representative in Congress from the
State of Massachusetts



WASHINGTON
GOVERNMENT PRINTING OFFICE
1921

COMMITTEE ON FOREIGN AFFAIRS.

SIXTY-SIXTH CONGRESS,

THIRD SESSION.

STEPHEN G. PORTER, Pennsylvania, *Chairman*.

JOHN JACOB ROGERS, Massachusetts.

HENRY W. TEMPLE, Pennsylvania.

AMBROSE KENNEDY, Rhode Island.

EDWARD E. BROWNE, Wisconsin.

MERRILL MOORES, Indiana.

WILLIAM E. MASON, Illinois.

WALTER H. NEWTON, Minnesota.

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FRANK L. SMITH, Illinois.

JAMES T. BEGG, Ohio.

ALANSON B. HOUGHTON, New York.

HENRY D. FLOOD, Virginia.

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WILLIAM S. GOODWIN, Arkansas.

CHARLES M. STEDMAN, North Carolina.

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GEORGE HUDDLESTON, Alabama.

TOM CONNALLY, Texas.

THOMAS F. SMITH, New York.

EDMUND F. ERK, *Clerk*.

FURTHER REGULATING THE GRANTING OF VISÉS BY DIPLOMATIC AND CONSULAR OFFICERS.

COMMITTEE OF FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Saturday, January 22, 1921.

The committee assembled at 11 o'clock a. m., Hon. Stephen G. Porter (chairman) presiding.

The CHAIRMAN. Mr. Newton, you have a matter which you wish brought up before the committee, have you?

Mr. NEWTON. Yes.

The CHAIRMAN. I will say to the committee that the bill which Mr. Newton has prepared is somewhat urgent, and I will ask Mr. Newton to present it to the committee without any introduction; and, if the committee approves it, we can report it out.

Mr. NEWTON. I have three carbon copies of it.

[H. R. 15857, Sixty-sixth Congress, third session.]

A BILL Further regulating the granting of visés by diplomatic and consular officers of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from the date on which the provisions of the act of Congress, approved the 22d day of May, 1918, entitled "An act to prevent in time of war departure from and entry into the United States, contrary to the public safety," shall cease to be operative, and until and including the 30th day of June, 1922, it shall be unlawful for any alien, other than a seaman, to enter or attempt to enter the United States without a valid passport or document in the nature of a passport duly viséd by a person duly authorized by the Secretary of State to issue such visé: *Provided*, That this prohibition shall not apply to nationals of Great Britain domiciled in the Dominion of Canada, Newfoundland, the Bermudas, the Bahamas, or the British West Indies, or to nationals of France domiciled in Saint Pierre and Miquelon, or to citizens of Cuba, Panama, Mexico, or to any alien, presenting himself at a port of the United States for admission, if otherwise admissible, who shall prove to the satisfaction of the Secretary of State and the Secretary of Labor that he is seeking admission to the United States to escape or avoid political persecution in the country of his last residence whether such persecution be evidenced by overt acts or by laws or governmental regulations directed against the alien himself or the race or nation or political subdivision to which he belongs, and such alien, if otherwise admissible, shall be considered as entitled to admission whether or not he is the bearer of a valid passport or document in the nature of a passport. The Secretary of State is authorized, in lieu of passport requirements, to make special regulations governing the temporary admission of alien seamen.

Any person who shall willfully violate any of the foregoing provisions, or of any order or proclamation of the President promulgated in pursuance of this act, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than \$1,000, or, if a natural person, imprisoned for not more than one year, or both; and any person or the officer, director, or agent of any corporation who knowingly participates in such violation shall be

punished by like fine or imprisonment, or both; and any vehicle or any vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture concerned in any such violation may be forfeited to the United States.

The visé of a passport of an alien shall, under regulations prescribed by the Secretary of State, be refused if the applicant would be dangerous to the public safety or obviously liable to exclusion if allowed to present himself at a port of the United States for admission: *Provided*, That such applicant, if rejected by the officer of the United States to whom the application was originally made, may appeal to the Secretary of State: *Provided further*, That the issuance of a visé to an alien by a person duly authorized to issue such visé on behalf of the United States shall not relieve said alien or the steamship company transporting him from the operation of any provision of the laws of the United States.

[H. R. 15953, Sixty-sixth Congress, third session.]

A BILL Further regulating the granting of visés by diplomatic and consular officers of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from the date on which the provisions of the act of Congress approved the 22d day of May, 1918, entitled "An act to prevent in time of war departure from and entry into the United States contrary to the public safety," shall cease to be operative, and until and including the 30th day of June, 1922, it shall be unlawful for any alien, other than a seaman, to enter or attempt to enter the United States without a valid passport duly viséed by a person duly authorized by the Secretary of State to issue such visé: *Provided*, That this prohibition shall not apply to nationals of Great Britain domiciled in the Dominion of Canada, Newfoundland, the Bermudas, the Bahamas, or the British West Indies, or to nationals of France domiciled in Saint Pierre and Miquelon, or to citizens of Cuba, Panama, Mexico, or to any alien presenting himself at a port of the United States for admission, or at the port of any foreign country where a United States consular office is maintained, if otherwise admissible, who shall prove to the satisfaction of the Secretary of State that he is seeking admission to the United States to escape or avoid political, racial, or religious persecution in the country of his last residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations directed against the alien himself or the race or nation or political subdivision to which he belongs; and if such alien, if otherwise admissible, shall be considered as entitled to admission whether or not he is the bearer of a valid passport. The proof herein referred to in every case shall be reduced to writing. The Secretary of State is authorized and directed to prescribe the rules and regulations governing the nature of the proof required and the character of the evidence to be received.

When any alien who is otherwise admissible shall present through the appropriate diplomatic or consular officer of the United States proof, of a character satisfactory to the Secretary of State, that he is unable to procure a passport from his own Government for reasons which would not render such alien inadmissible under the immigration laws of the United States, the Secretary of State shall authorize the said diplomatic or consular officer to issue to the said alien a document in lieu of a passport which shall set forth all of the facts usually required in a passport, and such document when so issued shall be treated as a passport, within the meaning of this act, for the purpose of admission into the United States: *Provided*, That for each such document issued there shall be collected and paid into the Treasury of the United States the fees prescribed by law for the issuance of a passport and for the visé of each such document the fees prescribed by law for the granting of a visé.

The Secretary of State is authorized, in lieu of passport requirements, to make special regulations governing the temporary admission of alien seamen.

Any person who shall willfully violate any of the foregoing provisions, or of any order or proclamation of the President promulgated in pursuance of this act, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than \$1,000, or, if a natural person, imprisoned for not more than one year, or both; and any person or the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any vehicle or any vessel,

together with its or her appurtenances, equipment, tackle, apparel, and furniture concerned in any such violation may be forfeited to the United States.

The visé of a passport of an alien shall, under regulations prescribed by the Secretary of State, be refused if the applicant would be dangerous to the public safety or obviously liable to exclusion if allowed to present himself at a port of the United States for admission: *Provided*, That such applicant, if rejected by the officer of the United States to whom the application was originally made, may appeal to the Secretary of State: *Provided further*, That the issuance of a visé to an alien by a person duly authorized to issue such visé on behalf of the United States shall not relieve said alien or the steamship company transporting him from the operation of any provision of the laws of the United States.

The CHAIRMAN. The bill is with regard to an extension of the passport-control acts. One of the acts expires March 4 next, in case we have peace with Germany, and the other act expires at the time the President issued the proclamation of peace. This is extending the original acts for a period of one year.

Mr. HUDDLESTON. Well, I will be compelled to make a point of order on that, Mr. Chairman.

The CHAIRMAN. Will you state your point of order?

Mr. HUDDLESTON. That the bill has not yet been introduced. That is a matter of very considerable importance; and some members of the committee may remember that I had very acute feelings on the subject when we passed the act that is now the law. I objected to any extension beyond the original period of this passport control. Finally, by compromise, it was agreed that the passport control would expire at a certain time.

Now, if it is proposed to extend that time and give our State Department a right to keep an American citizen out of his own country unless they choose to let him in, you will have to do it in the regular way.

Mr. ROGERS. May I ask Mr. Newton a question, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. ROGERS. Does this bill have any application whatever to American citizens?

Mr. NEWTON. No; it relates only to aliens.

Mr. HUDDLESTON. Well, I have not seen the bill; so I do not know what it contains.

Mr. BEGG. Let me ask this question: What is the necessity for speed in this case?

Mr. NEWTON. Because the act expires on the 4th of March.

Mr. BEGG. Then, why has it not been taken up before this?

Mr. NEWTON. We have been anticipating that the immigration bill, which passed the House during the first weeks of December, would be acted upon by the Senate; and that bill contains a provision along these lines, for the control by viséing the papers of aliens entering this country.

Mr. BEGG. May I ask another question in that connection: Why would not the best way to accomplish this be to simply provide that the acts passed on a certain date be extended to June, 1922, or something like that?

The CHAIRMAN. We have changed the phraseology of the law a little in this bill.

Mr. HUDDLESTON. Mr. Chairman, this is a matter of such importance that I think we ought to have a bill introduced and have some

opportunity to read it beforehand, especially as we have no copies of this bill.

Mr. ROGERS. If I may suggest this, Mr. Chairman, it is now quarter of 12; and this bill can be introduced at 12 o'clock, and taken up by the committee five minutes afterwards.

Mr. BEGG. Well, we do not have authority to sit during sessions of Congress.

Mr. HUDDLESTON. No; we have no authority to sit during sessions of Congress.

Mr. NEWTON. This committee has authority to sit; it was granted in the beginning of the session.

The CHAIRMAN. I think you are mistaken about that, Mr. Newton.

Mr. MASON. Yes; that was granted only in certain specific cases.

I have no objection, if you will permit me to say so, to taking this up and discussing it. I do not know what the bill is. As my colleagues on the committee know, I am opposed, and I know my constituents are opposed, to a bill which makes anybody have to get the consent of his master, the king, before he can come into this country. And I will oppose it, and make all the points of order against it that I can.

Mr. NEWTON. As I understand, Mr. Mason, you are opposed to any scrutiny by any consul or consular agent of the United States, of the character or record of any alien who desires to come into this country?

Mr. MASON. Not at all. But when they want to come in here to escape the tyranny of the Old World, and political or racial persecution, and can show that they are well-intentioned men, who can comply with our laws in regard to health and character, and who want to live under our form of government, I do not believe in letting a little man down there in the State Department send them back, and deny them the refuge that our fathers gave to the oppressed people of other countries.

Mr. NEWTON. This bill that I am going to introduce excepts from its provisions those who are seeking to avoid political persecution in the country of their residence, and so on.

Mr. MASON. Is it broad enough to include those who are persecuted for racial differences?

Mr. NEWTON. It is not broad enough to take in a lot of people that I personally do not care to have taken in. Here is the provision:

Provided, That if such alien shall prove to the Secretary of State and the Secretary of Labor that he is seeking admission to the United States to escape or avoid political persecution in the country of his last residence, whether such persecution be evidenced by court acts, or by laws or governmental regulations directed against the alien himself, or the race, or nation, or political subdivision to which he belongs, such alien if otherwise admissible, shall be considered as entitled to admission.

Mr. HUDDLESTON. What is before the committee, Mr. Chairman?

The CHAIRMAN. Nothing now.

Mr. HUDDLESTON. Mr. Chairman, I do not see any necessity for any haste in this matter.

The CHAIRMAN. We will have the resolution introduced to-day, and we can consider it Monday.

(Thereupon, at 11.45 a. m., the committee adjourned until Monday, January 24, 1921, at 10.30 o'clock a. m.)

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Monday, January 24, 1921.

The committee met at 10.30 o'clock a. m., Hon. Stephen G. Porter (chairman) presiding.

**STATEMENT OF HON. JOHN JACOB ROGERS, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF MASSACHUSETTS.**

Mr. ROGERS. Mr. Chairman and gentlemen of the committee, I am very glad, indeed, to say a few words with the permission of the committee in favor of H. R. 15857, introduced on January 22 by Mr. Newton, of Minnesota, a member of this committee.

In connection with the preparation of the Diplomatic and Consular appropriation bill this year there was an item submitted by the State Department asking for an appropriation of \$1,000,000 for the administration of the pass-port control act for the ensuing fiscal year, 1922. It therefore became necessary for the Committee on Appropriations to consider what ought to be recommended in pursuance of the estimate, and we consequently held quite full hearings on the general subject of passport control, its operation and effectiveness in the past, and its necessities for the future.

Mr. HUDDLESTON. Mr. Rogers, may I ask you there what jurisdiction your committee had of that matter, as it affects purely a question of public policy of which this committee has exclusive jurisdiction?

Mr. ROGERS. I undertook to explain, Mr. Huddleston, that the estimates carried an appropriation of \$1,000,000 for the administration of a current law.

Mr. HUDDLESTON. I understand your committee has jurisdiction only of appropriations authorized by law?

Mr. ROGERS. Precisely.

Mr. HUDDLESTON. And since this is not authorized by law, I inquired what business your committee had with it?

Mr. ROGERS. My impression was that it was authorized by law.

Mr. HUDDLESTON. It is not authorized by law. The law expires on March 4.

Mr. ROGERS. Oh, no; I beg your pardon. The law expires when peace is formally arrived at, and no one knows whether peace will be arrived at before the beginning of the next fiscal year or the end of it.

Mr. NEWTON. Mr. Huddleston, the bill Mr. Rogers refers to is the public act approved on the 22d day of May, 1918, the act to prevent in time of war departure from and entry into the United States contrary to public safety.

Mr. HUDDLESTON. Yes.

Mr. NEWTON. That is still current law, of course.

Mr. HUDDLESTON. When does it expire by its terms?

Mr. NEWTON. It can not expire by its terms until there has been a formal declaration of peace.

Mr. ROGERS. And as far as the Committee on Appropriations or this committee, I should suppose, is concerned—

Mr. HUDDLESTON (interposing). One moment.

Mr. ROGERS. Just let me finish the sentence.

Mr. HUDDLESTON. So that I may get a clear understanding of this matter on that particular point. What statute is it that expires that it is necessary we should continue?

Mr. ROGERS. It is Public Act No. 79, of about November, 1919, which was passed at a time when it was presumed that peace would have come prior to March 4, 1921. Therefore, the public act, by its terms, was to become effective when the act of May 25, 1918, became inoperative and was to continue until the 4th day of March, 1921, but as peace will not be formally arrived at before March 4, 1921, as we are quite certain—morally if not legally certain—Public Act No. 79 will never come into effect, and all passport regulations will cease to be effective whenever formal peace is arrived at.

As I started to say when Mr. Huddleston questioned me, neither this committee nor any other committee of the House can say, as a matter of law, when peace will have come. Therefore, as the Committee on Appropriations conceived, it was the duty of that committee to consider what the situation was and what the requirements were for the ensuing fiscal year.

Mr. NEWTON. If you had taken any other position you would have been arrogating to yourself the jurisdiction of a legislating committee by refusing to provide an appropriation for something that is authorized by law and will be until there is a declaration of peace.

Mr. ROGERS. The date of which, of course, no one can predict with confidence.

Mr. HUDDLESTON. May I ask a question?

Mr. ROGERS. I am very anxious to make a very brief statement, because I have to leave in five minutes, but I do not want to be discourteous.

Mr. HUDDLESTON. So far as I am concerned, I am asking about a matter thoroughly germane to the point we are considering.

Mr. ROGERS. Very well. Of course, I should not want to refuse to answer.

Mr. HUDDLESTON. I want to inquire whether this is the provision you refer to, "That when the United States is at war," is that the clause that fixes the term of this act?

Mr. ROGERS. That is my understanding of it; yes.

Mr. HUDDLESTON. There is no clause, then, providing that until peace has been formally proclaimed or any other language of that substance?

Mr. ROGERS. If the chairman cares to follow his practice in connection with a previous hearing, perhaps, he will incorporate in this hearing the testimony that was taken before the Committee on Appropriations, and that will be found in the hearings on pages 69 to 72, 94 to 115, and 126 to 129.

Immigrants are coming to the United States at this moment at the rate of 90,000 a month, or at the rate of something more than 1,000,000 a year. The passport-control system for the past year has cost something less than \$400,000 and is bringing revenue into the United States Treasury at the rate of \$1,000,000 a year, assuming that the present rate of immigration continues unchanged. So that from the standpoint of revenue merely, the passport-control act is well worth considering, but I prefer to put it on the ground of protection of America against undesirable immigration.

Mr. LINTHICUM. May I ask you a question there?

Mr. ROGERS. Yes, sir.

Mr. LINTHICUM. You are deriving that revenue from the increase to \$10 which we provided for at the last session?

Mr. ROGERS. Yes, sir. In other words, if there are 1,000,000 immigrants, it will be \$10,000,000 in revenue.

Mr. LINTHICUM. While it is true we are getting that revenue, is it not also true that our people are paying to the other governments the equivalent of that \$10 which they have received through their passport control offices?

Mr. ROGERS. I have heard it suggested that the charge for visés had been increased in some cases in connection with American travel. Of course, it might be argued that the sort of travel that goes out from America is tourist travel and not immigration travel and can afford to pay the added tax.

Mr. LINTHICUM. There is a lot of business travel?

Mr. ROGERS. Yes; it includes business travel. I am not able to say, Mr. Linthicum, just how general that practice has been of increasing the visé fees.

Mr. LINTHICUM. They have all been practically increased, so I am informed by people who are traveling.

Mr. ROGERS. The testimony shows that during the past year the passport control office in various branches abroad actually viséed 544,000 passports, and this year they are faced with the problem, as I say, of viséing something over 1,000,000. They have a personnel of about 373 special employees who are paid out of the special passport control fund. In addition to the special employees, the consular officers of the Government, the permanent and established officers, have to give a very large portion of their time to passport control work. One witness testified that during recent months our consuls abroad had devoted an average of 60 per cent of their time to passport control work and 40 per cent of their time to their regular and legitimate consular work. That, of course, represents a condition that ought not to be allowed to continue, because if our Consular Service is to function successfully, it must function on the basis of performing its normal consular duties. Therefore, while the Committee on Appropriations, I think, deemed that there was some justification for the request of the State Department for \$1,000,000 for the continuance of passport control, they felt that they must cut that amount down. They could not give two and a half times as much as was carried in the present law, and yet at the same time they felt they must give a substantial increase over the present law. Therefore, they are recommending \$600,000 for the ensuing year, which is an increase of 50 per cent, and which it is hoped will relieve the consuls of the tremendous burden which is upon them.

At some cities the work has been very large. For instance, take the case of Warsaw. The visés granted between June 30 and September 30 were 24,107; at Belgrade, there were 7,000 in that period; at Naples, thousands and thousands of passports are applied for every day.

Mr. LINTHICUM. What do you find to be the situation at Prague?

Mr. ROGERS. Czechoslovakia as a whole—and I think the only visé office is at Prague, but I am not quite sure—for the quarter ended

March 31 last there were 902 visés granted and 37 visés refused; for the quarter ended June 30 last, there were 3,161 visés granted and 24 refused; for the quarter ended September 30 last, there were 9,689 visés granted and 24 visés refused.

Taking the situation as a whole, there are only about 2 per cent of refusals in proportion to the number applied for. In other words, if there should be an immigration at the rate of 1,000,000, and consequently that number of visés applied for, there would be 20,000 refusals, and it is safe to say that every one of those 20,000 would have been an undesirable immigrant from our point of view. But there is a further protection, according to the testimony of the experts in the administration of this question, that many men would come to this country if it were not for this barrier, are prevented from making the effort because they know they would be refused. So in the opinion of the officials who have been actually executing the work, there is a psychological protection in addition to the actual protection indicated by the 2 per cent of refusals.

I feel very strongly that the consular officers abroad should have added power on top of what they already have, and I am particularly in favor of the language in Mr. Newton's bill, which is to be found on page 3, lines 7 to 11. The consular officer at this moment can only refuse a visé if the prospective immigrant is of an anarchistic or radical character, which, in the opinion of the counsel, makes him a menace to the institutions of the United States. Mr. Newton's proposal would permit the visa to be withheld by the consul if it was perfectly clear to the consular officer that the immigrant ought not to come to the United States under the immigration laws of the United States. I believe that would be a protection to the consul and a protection to the prospective immigrant as well.

Mr. HUDDLESTON. May I ask you just on that point, how do you derive the statement that the consul can refuse a visé only upon the conditions which you have named?

Mr. ROGERS. I derive that from an examination of the law and from the statement of Secretary Lansing before this committee and the testimony of the various officials who have been actually administering the law and the regulations of the department, as Mr. Newton suggests.

Mr. HUDDLESTON. Let me say that I made inquiry at the visé office as to the conditions upon which aliens might have their passports viséed, and I was told that it was governed by secret instructions to the consuls, and that there was no information that could be given, and what they would recommend would be that the man who wanted to come should apply for a visé.

Mr. ROGERS. Those instructions are not secret in the sense they are secret from you. They are accessible to you, if you care to examine them, and I have a set of them in the office. They are confidential because the State Department does not believe that any useful service will be performed by enabling people who want to evade the law from knowing exactly the ins and outs of our departmental regulations.

Mr. HUDDLESTON. As to those who want to comply with it, they think it undesirable that they should know what it is so that they would be more readily enabled to comply with it; does it not work around that way?

Mr. ROGERS. I have completed my statement. May I be excused, Mr. Chairman?

Mr. LINTHICUM. I was hoping you would take up the embassy question to-day.

Mr. ROGERS. If I may be permitted, I will return as soon as I can and sit in with the committee.

The CHAIRMAN. Yes; we will be glad to have you come back.

(The committee thereupon proceeded to the consideration of executive business, after which it adjourned.)

(The extracts from the hearings referred to by Mr. Rogers follow:)

EXPENSES OF PASSPORT-CONTROL ACT.

Mr. ROGERS. The last thing that I shall personally want to detain you with, Mr. Davis, is the last item in the bill, expenses under the passport-control act. If you have a general idea as to what our future policy should be in respect of the control of departures from Europe through the medium of the passport-control act, I should like very much to have your opinion about it.

Mr. DAVIS. I am not conversant with these details here, but I have one very distinct idea, and that is that it would be a great saving to us to be able to exercise much more control abroad than after they land in the United States.

Mr. SMALL. Are you authorized to do that under existing law?

Mr. DAVIS. Yes; but we have not the personnel over there to make the investigations. I have thought about the matter considerable lately, and have had some discussions about it. With the thousands and thousands of immigrants coming for visés, naturally our people have not the personnel to investigate them.

Mr. ROGERS. If you will pardon me, you have not the authority under the law to-day, as I understand it, to withhold a visé in Warsaw, for instance. If an immigrant comes there who is syphilitic or a blind man or for obvious reasons is certain to be excluded when he comes to the United States, you can not refuse to visé his passport.

Mr. ELSTON. I have seen circulars sent out indicating that they have.

Mr. ROGERS. There is no authority for it under the law.

Mr. DAVIS. You are right. We can do it based only on their character. We can not do it on their physical condition.

Mr. ROGERS. I may say that for two years I have been trying to get a law through Congress which will give the consular officers a certain degree of discretion in withholding visés in the case of applicants who are clearly excludable under the immigration law.

Mr. DAVIS. That is the proper way to do it, but when you do that you ought to really put up enough to enable them to get good men so there will not be any graft connected with it.

Mr. SMALL. Or any mistakes.

Mr. ROGERS. And you believe in the extension of this passport-control system to permit that?

Mr. DAVIS. Yes, sir.

Mr. ROGERS. Assuming that is not permitted and assuming you have control over the character of the applicant and over nothing else, do you think this system is worth while continuing?

Mr. DAVIS. Oh, yes; I do.

Mr. ROGERS. What good does it do? What percentage of refusals of visés on the ground of character are now recorded?

Mr. DAVIS. I do not know the percentage, but we are constantly communicating on that matter and I am signing cables every day. I think the percentage must be very small, Mr. Rogers.

Mr. ELSTON. The percentage of refusals?

Mr. DAVIS. Yes; but I think the psychological effect is very advantageous.

Mr. ROGERS. Do you think you now pick off some pretty bad eggs?

Mr. DAVIS. Oh, yes; we do pick some real birds. There is no doubt of that, and sometimes we pick the leaders and the agitators. We get those.

Mr. ROGERS. Can you tell us, Mr. Carr, how many refusals of visés there have been in a definite period just past?

Mr. CARR. I would not like to trust my memory on that, but I will bring you the information. The number of refusals by the consuls is relatively small compared with the number coming over; but on the other hand, as Mr. Davis said, probably one of the most important aspects of this thing is the psychological effect upon the people seeking to come over, and it does have a marked effect upon them.

Mr. ROGERS. I understand you to think this is well worth continuing even on the present basis, but that it would be conspicuously more if you had an enlarged basis for functioning.

Mr. DAVIS. Decidedly; yes, sir.

Mr. ROGERS. If merely the present system should be retained, how much money are you going to need; not this \$1,000,000?

Mr. CARR. Yes.

Mr. DAVIS. We ask for \$1,000,000, which is an increase of \$600,000.

Mr. CARR. When this appropriation was first made, you will remember that immigrants were coming in in comparatively small numbers; now they are coming, we estimate, at not less than 700,000 a year.

Mr. DAVIS. You might show Mr. Rogers some of the cables from our consulates. They are being swamped, and they say, "For goodness sake, stop immigration for a while. The crowds that are coming here are tremendous and it is too much to take without much assistance." Several of them have recommended we stop it completely until we can set up more machinery for handling it. This passport work is now taking all their time and they are not able to attend to many of their other duties.

Mr. ROGERS. This entire question presents a rather important question of policy because the legislation under which you are functioning becomes inoperative, as I recall it, when peace comes.

Mr. CARR. Yes.

Mr. ROGERS. At that time, unless there is an extension of the legislation, these powers go out of existence, so I think we shall have to go into this question carefully, Mr. Carr, and perhaps get you to come down with one or two of the men in the department who have been operating under the passport control act. As a practical matter, do you know whether consuls do refuse visés on grounds other than those which the law permits.

Mr. CARR. I do not think they do. Occasionally, perhaps, somebody does, but I do not think they do, as a rule. There are a good many of them who would like to.

Mr. ROGERS. Well, take the case of the consul general at Warsaw, which I suppose is one of the worst places. There are thousands and thousands of Polish Jews, I am told, lined up outside the quarters there day after day seeking visés.

Mr. DAVIS. Yes; the last estimate was 120,000.

Mr. ROGERS. Every one of them wants a visé and every one of them, probably, has an unpronounceable name, and it may be his own or it may be an assumed one. What can the consul in a case like that do that is valuable in passing upon the individual's application for a visé.

Mr. DAVIS. Well, I will tell you one thing having to do that delays it a great deal.

Mr. ROGERS. Well, that is a good point, but that is an indirect result of the act.

Mr. CARR. And he utilizes whatever local machinery there is to investigate.

Mr. DAVIS. They do all they can. The minister and his staff work with the consul on these questions in making investigations as to the people who want to come over. Our legations are doing all they can.

Mr. ROGERS. Well, take a cue of 100 men passing by a desk in a day, have they any knowledge of the antecedents of any one of those men as a matter of common practice?

Mr. DAVIS. Not unless they have been instigators or have been sufficiently active to attract the attention of the various authorities. I think on that subject we had better get Mr. McBride down here, who is in charge of this passport-control work. He can tell you more of the details. I must say that our control is practically limited to people who have been open instigators.

Mr. ROGERS. The presumption, apparently, must be that a man is all right unless they know something to indicate that he is not.

Mr. DAVIS. That is right.

* * * * *

WEDNESDAY, JANUARY 5, 1921.

STATEMENT OF MR. WILBUR J. CARR, DIRECTOR, CONSULAR SERVICE, ACCOMPANIED BY MR. H. A. McBRIDE AND MR. TRACY LAY.

VISÉ SYSTEM.

Mr. ROGERS. Mr. McBride, you are the chief of the visé office of the Department of State?

Mr. McBRIDE. Yes, sir.

Mr. CARR. Mr. Chairman, Mr. McBride is a regular member of the consular service and his last post was Warsaw.

Mr. ROGERS. I think either you or Mr. McBride, Mr. Carr, had better put into the record at this point a very brief recapitulation of what the legislation is, so we will have that foundation for our further discussion.

Mr. CARR. Mr. Chairman, with respect to this item of appropriation for the continuance of the visé system during the next fiscal

year, it will be recalled that Congress enacted a law on May 22, 1918, authorizing the President in time of war, when he found it necessary in the public interest, to issue regulations controlling travel into and out of the United States both of Americans and of aliens through the visé of passports, and providing certain penalties for persons violating that act.

The part of that act especially pertinent to this inquiry is the following:

"That when the United States is at war, if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this act be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful:

"(a) For any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President shall prescribe"; etc.

Section 2 of the same act made it unlawful "for any citizen of the United States to depart from or enter or attempt to depart from or enter the United States unless he bears a valid passport."

It will be noted that the application of the act is limited to that period when the United States is at war. Anticipating a possible return to a state of peace, there was presented to the President on October 29, 1919, an act which became law without his signature, providing as follows:

"That if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this act be imposed upon the entry of aliens into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful:

"(a) For any alien to enter or attempt to enter the United States except under such reasonable rules, regulations, and orders, and subject to such passport, visé, or other limitations and exceptions as the President shall prescribe"; etc.

Sections 4 and 5 of the same act provide:

"SEC. 4. That in order to carry out the purposes and provisions of this act the sum of \$600,000 is hereby appropriated.

"SEC. 5. That this act shall take effect upon the date when the provisions of the act of Congress approved the 22d day of May, 1918, entitled 'An act to prevent in time of war departure from and entry into the United States, contrary to the public safety,' shall cease to be operative, and shall continue in force and effect until and including the 4th day of March, 1921."

As no other funds had been provided to defray the expenses of passport control under the act of May 22, 1918, and as the continuance of a state of war postponed the application of the act of October 29, 1919, a joint resolution was passed on December 24, 1919, making the sum of \$450,000 available for the remainder of the fiscal year 1920 out of the \$600,000 carried in the above act. In the diplomatic and consular act approved June 4, 1920, the remaining \$150,000 and an additional sum of \$250,000 was made available under the act of May 22, 1918, and the new act when the new act "shall become effective," which means after the return of a state of peace. It will be noted from the foregoing that the continuance of a state of war left in effect the original act of May 22, 1918, and that the new act, known as Public Act No. 79, has never come into operation.

Mr. ROGERS. And in all human probability will not come into operation?

Mr. CARR. It never will, and hence we are still acting under the act of May 22, 1918. Last year Congress appropriated \$250,000 and the unexpended balance of a former appropriation of \$150,000, giving us a total appropriation this year of \$400,000; that is used for the purpose of employing clerks in consulates abroad to administer this law, and, in addition to those clerks, paying rent, contingent

expenses, and buying furniture in connection with the exercise of this visé function, amounting as a whole to the full amount of the appropriation. The item for clerk hire is \$354,138, furniture \$16,117, leaving for contingent expenses \$29,945. We have altogether about 373 people engaged in this work, who are paid from this appropriation.

Mr. ROGERS. Engaged exclusively on this work?

Mr. CARR. Engaged exclusively on this work of visé control.

Mr. ROGERS. Those are all in the field, or does that include Washington?

Mr. CARR. That is all expended in the field; none is expended in Washington. It was the intention of Congress to have some expended in providing personnel for the visé office, but a provision in the legislative bill which had doubtless been overlooked caused the Comptroller of the Treasury to hold that the money was not legally disburseable in the Department of State.

Mr. ROGERS. In addition to the 373 persons who devote their exclusive time to this work, I suppose there is a large force of your permanent foreign office officials who devote a considerable portion of their time either to supervision or to direct performance of the work?

Mr. CARR. Yes; that is one thing that I wanted to get before this committee very clearly. We in the department realizing that there would come before Congress at this session the matter of policy as to whether to continue this visé control in the future, having in mind the probability of some immigration legislation being considered, and having inadequate information in the department as to the operations in the field of the passport-control system, caused Mr. McBride to be sent abroad last autumn to visit the principal visé offices and to investigate the conditions there. He has now returned and is assigned to the department and has the exact facts with reference to the situation. It was for the purpose of getting before your committee what is being done in reference to the visé work and what is being done through the employment of the regular consular force and its appropriations, in addition to the amount of money which has been given us for this special purpose, that I asked Mr. McBride to come down and to place himself at your disposal this morning.

Mr. ROGERS. Take what I suppose is one of the most difficult visé posts in the world, Warsaw; we have a consul general at Warsaw, have we not?

Mr. CARR. Yes, sir.

Mr. ROGERS. That consul general probably has given a great portion of his time, and his assistants also, to questions arising out of the visé function?

Mr. CARR. Yes, sir.

Mr. ROGERS. Is there any deduction made from your consular salary item to compensate for the amount of time that he gives under the visé item?

Mr. CARR. No, sir.

Mr. ROGERS. So the appropriation of \$400,000 or \$450,000 which you have up to now pays only those men who are employed specifically to do the visé work, and does not help you out on the consular salaries?

Mr. CARR. No, sir. I might say that the result of this visé work has been to stop almost completely in those large visé offices all the commercial work of the consular service and has interfered with a

great deal of the other work of the consuls. Mr. McBride has been the consul at Warsaw during a part of this period and he would be glad to explain in detail and give you any facts which you may desire.

Mr. ROGERS. I think that the committee would be very glad to hear Mr. McBride on that point, but before he does that I want to recur to what has troubled me a great deal about this thing. I have always felt that the visé system of controlling immigration from Europe, Asia, and Africa was the most wholesome possible thing for the welfare of the United States as a permanent policy. It puts these men through a double sieve before they start, where there can be an effective scrutiny of the immigrants, not only physically but along general citizen availability lines, but as Mr. Davis and Mr. Carr reminded us the other day this great visé organization, which has grown up all over the world to care for the passports of persons seeking to come to the United States, has no power whatever to refuse the visé unless, in the judgment of the consul or the passport office, the particular applicant would be dangerous to the institutions of the United States. That is a limitation upon character solely.

A man may, as I understand it, be of the worst possible character, a hardened criminal, and yet the visé officer would have no authority to refuse the visé, unless his criminality was of a kind which would be dangerous to the institutions of the United States. In other words, it is the radical, anarchist, and red control which it is limited to at the present time. With that limitation, the question in my mind is whether it is worth continuance. The further question arises whether if we are to continue we ought not to extend it so as to make it a real useful supervisory function.

In the conference report which we submitted to the House on the 1921 bill we had this section:

The visé of a passport of an alien may, under regulations prescribed by the Secretary of State, be refused if the applicant would be dangerous to the public safety or obviously be liable to exclusion if allowed to present himself at a port of the United States for admission.

In other words, a murderer or a syphilitic or a degenerate could be turned back without the visé.

Mr. ELSTON. Is not that language a part of the law now?

Mr. ROGERS. No, sir; because this conference report was defeated by the House on another point, and when the conferees came together again they concluded that they had better strike out the defeated portion, and this at that time naturally fell with it.

Mr. ELSTON. What is the exact language which now remains?

Mr. ROGERS. You will find the exact language which now remains on pages 50 and 51 of the bill before you.

Speaking very generally, it is simply a program for increasing revenue by charging \$10 for passports to citizens and \$10 for visé to aliens.

Mr. ELSTON. On what do you base the statement that the passport officials in foreign countries have the right to pass on character?

Mr. ROGERS. I say they have no right to pass on character, except as it affects the welfare of the United States. That conclusion and that administration of the law by the State Department is based upon the fact that the war emergency law of May 22, 1918, out of

which grew the passport system, specifically states that it is in aid of the public safety or something of that sort.

Mr. CARR. Public safety, in addition to any existing law, and, therefore, it did not suspend the immigration laws. The immigration laws as they stand afford every immigrant an appeal from the decision of the immigrant inspector before entry into the United States. It did not seem to be the wish of Congress to deny that appeal by placing the exclusion power in the hands of the consuls on the other side.

Mr. ELSTON. If the passport official who passes on the applications for entry into the United States has a limited range of discretion with regard to denying or approving the application, does it not largely lodge in his discretion only as to how far he shall go, and is not that a decision, finally, as most discretionary matters are, and to that extent the passport officer has unlimited power to refuse or approve—to all intents and purposes he can apply the rule in any way he may please—and if that is so, I think it is just as well to let it lie if there is no appeal to any other authority.

Mr. ROGERS. There is an appeal to the Department of State; and, in the second place, that man, if he complies with his oath of office, and if he applies the law as you or I would say it should be applied—

Mr. ELSTON (interposing). The language is rather broad, and it looks to me as if they are lodged with very large power. If the language is broad enough, and does what we presume it does—includes the matter of character where it touches the welfare of the United States—that may be interpreted into a very large power; that is my observation.

Mr. ROGERS. That is exactly what we can find out this morning.

Mr. CARR. The State Department's attitude has been this: When the President laid before Congress the question of continuing this visé system for a year, he expressly referred in his message to the exclusion of the class of persons who would be dangerous to the institutions of the United States, and it was quite clear from that message and from the Secretary of State's letter accompanying it that it was not the purpose to usurp the powers of the immigration officers or to extend this consular function to the exclusion of the ordinary immigrant class for ordinary immigration reasons. That was discussed at considerable length before the Committee on Foreign Affairs, and when the Committee on Foreign Affairs made its report to Congress it expressly stated that this power would not be used by the State Department to limit or restrict or reduce immigration. I think I am right about that.

Mr. ROGERS. Mr. Lansing made it very clear when he testified before the committee.

Mr. CARR. So the State Department has felt in not permitting the consuls to go beyond that one class that it was complying with the wishes of Congress and interpreting the law in accordance with the spirit of it.

Mr. ELSTON. You have been applying, more or less, your definition of what the powers are?

Mr. CARR. Yes, sir; quite so.

Mr. SMALL. I agree with Mr. Rogers that the consuls should be vested with some authority, enlarging the present limitation imposed

upon them. Of course, that authority ought to be specifically granted so as to limit the discretion as much as possible and thereby avoid abuse. Certainly, the viséing of a passport of an alien proposing to come to the United States who is disqualified under our immigration laws and will be sent back after he arrives here imposes an undue burden on our immigration officials on this side as well as inconvenience to the alien himself. Unless the consul is clothed with some appropriate authority expressed in such terms as will limit the amount of discretion as much as possible and unless he is directed to secure certain concrete evidence, I can not see any decided benefit from the examination by the consul. His action in granting or refusing a visé under the present law is that a man must be notoriously unfit and dangerous to our institutions before a consul can intelligently exclude him under the present law. So, if the chairman can devise a plan by which the authority of the consul can be enlarged in a way which would not result in abuse, it seems to me it would be a very wise provision.

Mr. ROGERS. I should like to read a sentence from the testimony of Mr. John Stanley Moore, who, I think, was your predecessor as chief of the visé section.

Mr. McBRIDE. Yes, sir.

Mr. ROGERS. He testified before the Committee on Foreign Affairs on February 4 of last year and said:

The duty of the consul to refuse the visé at the present time to a man who has bolshevik or disturbing tendencies, and as such would be a menace to the United States. It is not the duty of the consul to refuse visé, because the man falls within one of the excludable clauses under the immigration law. Let me cite an instance. If you are a consul at Naples and I am an illiterate Italian, I get a passport from the Italian Government, and I take it to you, as the American consul, for visé. You know that I am illiterate. You say to me, "You can not enter the United States; you are illiterate." But I at once say, "That is none of your business whether I am illiterate or not, if I am a reputable citizen in my community. I demand a visé." And you must give it to me.

It seems to me that is the worst practice that can be imagined, and I look at it as very bad legislation, not merely from the standpoint of the United States but from the standpoint of the alien himself, because time after time these men will come to the United States with the visé from an officer of the United States to enter and when they get to the port of New York or some other port they find that they can not come in at all.

Mr. ELSTON. It would seem to me that the immigration and passport services are operating at cross purposes?

Mr. ROGERS. They are not operating at cross purposes, except as the law requires them to operate at cross purposes. Is not that substantially true?

Mr. McBRIDE. Yes; I think it is the law.

Mr. ELSTON. They should be consolidated in some way.

Mr. SMALL. Does the present law require the consul to do that?

Mr. CARR. The visé control is exercised under this act of May 22, 1918, which has to do really with protecting the United States in time of war from dangerous aliens.

Mr. SMALL. Does the statute require the consul to investigate and require evidence?

Mr. CARR. The regulations do require investigation, and the regulation under which this visé control is exercised adopts as the definition of the kind of persons that the consul is authorized to refuse a

visé to the class of people who were described in the act of October 6, 1918, aliens generally who are in favor of the overthrow of government by violence and the overthrow of the Government of the United States, and so forth. That class seemed to be clearly the class Congress had in mind when passing the visé control legislation.

Mr. SMALL. Prior to the act of May 22, 1918, there was no restriction placed upon the consul in granting a visé?

Mr. CARR. No; as a matter of fact, and except for some regulations which were issued by the President based upon the trading with the enemy legislation after the beginning of the war there had been no such visé regulations.

Mr. SMALL. There were none at all prior to the World War?

Mr. CARR. No, sir.

Mr. ROGERS. Mr. Carr, this item in the current law reads:

For expenses of regulating entry into the United States, in accordance with the provisions of the act approved May 22, 1918, and Public Act No. 79 of the Sixty-sixth Congress, when the latter act shall have become effective—

So much money.

In addition to the remaining \$150,000 of the sum appropriated by section 4 of said Public Act No. 79.

The said section 4 of Public Act No. 79 provides that in order to carry out the purposes the sum of \$600,000 is hereby appropriated.

I have forgotten, if I ever knew, why, in view of the fact that this act has never become effective under its terms, we ever managed to assume that the \$600,000 or any part of it was usable.

Mr. LAY. There was a supplemental joint resolution making \$450,000 of the \$600,000 available under the act of May 22, 1918, until the end of the fiscal year.

Mr. ROGERS. I believe I remember that now. Assuming that as true, you certainly have not been very happy in the phrasing of the item.

Mr. CARR. There is a little defect in the language.

Mr. ROGERS. I suggest that, perhaps, you and Mr. Lay better prepare an amendment, because this language is still present in the act for the ensuing year.

Mr. CARR. Under this language the only way that the \$150,000 would become available would be by a rather forced construction by the accounting officers of what they understood the wish of Congress to be.

Mr. ROGERS. Yes. This is bad legislation. It is bad in the existing law and it is bad in the proposed new law.

Mr. CARR. Public resolution approved December 24, 1919, provides:

That so much of the sum of \$600,000 appropriated by section 4 of Public Act No. 79 of the Sixty-sixth Congress, entitled "An act to regulate further the entry of aliens into the United States," as may be necessary is hereby made immediately available for expenses of regulating entry into the United States, in accordance with the provisions of the act approved May 22, 1918.

That is Senate joint resolution No. 131 and public resolution No. 27—Sixty-sixth Congress.

Mr. SMALL. Approved when?

Mr. CARR. December 24, 1919.

Mr. ROGERS. You will prepare an amendment, Mr. Carr?

Mr. CARR. Yes, sir.

Mr. ROGERS. Can you give us a setting of the particular situation in Warsaw, give us general statistics of the visé conditions?

Mr. McBRIDE. There is one thing I should like to say in reference to the amount of time our career consulate officers are taking with this function. As Mr. Carr said, there are 358 employees on the visé fund, but these are only clerks and ex-career vice consuls. I calculate that 60 per cent of the whole service was occupied on visé work and that only 40 per cent of their time was taken to do the ordinary consular functions, a very important commercial work which we should be doing now. In the offices where we are doing a lot of commercial work our staff ranges from 5 to 13 or 14 persons. In many offices we have 10,000 visés a month. For instance, in Naples we have had a staff of 13 and they handle 10,000 visé cases a month. In Warsaw we have a staff of about 20 persons and they are handling from 500 to 700 cases daily. That means that they must examine very carefully all the documents of the applicants and must talk to them and give them a thorough examination.

APPLICANTS FOR VISÉ OF PASSPORTS.

Mr. ROGERS. Have you assembled the total number of applications for visé for the last calendar year or for the last fiscal year?

Mr. McBRIDE. Yes, sir.

Mr. ROGERS. What is the total number?

Mr. McBRIDE. During the last fiscal year we actually viséed 544,000 passports; that is in round numbers, alien, and this year we are faced with the problem of viséing between 800,000 and 1,000,000.

Mr. ROGERS. Five hundred and forty-four thousand for the fiscal year 1920?

Mr. McBRIDE. Yes, sir.

Mr. ROGERS. How many were refused?

Mr. McBRIDE. I do not know about that, but I think about 2 per cent.

Mr. CARR. I can give you an idea of the refusals from the statistics which I have here, based upon some of the typical offices during the quarters ending March 31, June 30, and September 30, and the estimates for the quarters ending December 31, March 31, and June 30. For instance, at Warsaw the visés granted during the period up to September 30 were 24,107. I have not the number of refusals, but the number of employees engaged was 15.

Mr. ROGERS. I am very anxious, in the consideration of this question, to get some idea of the usefulness in debarring the undesirables. Can you give us some facts as to the refusals at some place?

Mr. CARR. At Belgrade, for instance, there were 7,025 granted and 238 refusals. For the same period at Vigo, Spain, there were 3,174 granted and 33 refused. There is a very clear reason for that, because, as I understand, the immigrants coming from a place like Vigo, Spain, are likely to be of a very good class, and therefore less reason for refusal.

Mr. ROGERS. At Belgrade the number of refusals was about 3 per cent. That would be a place at which you would expect to have quite a proportion of dangerous gentlemen who wanted to come to the United States?

Mr. CARR. Yes, sir; quite so. At Bilbao, Spain, 1,868 were granted and 111 refused in the same period.

Mr. ROGERS. That is a big percentage?

Mr. CARR. Yes, sir; but local reasons would explain in all of these cases the difference in refusals.

Mr. ROGERS. Mr. McBride, have you not a table showing all those figures which you could put in the record?

Mr. McBRIDE. Yes, sir.

Mr. ROGERS. I should like to get a world-wide compilation that would show at least the visés granted and the visés refused?

Mr. McBRIDE. I shall prepare that. The table worked up shows the percentage of refusals is a little less than 2 per cent in all Europe. Just at present it is very much greater on account of the various serious passport frauds in Poland and Germany.

Mr. ROGERS. In Germany and Poland are passports being granted?

WITHHOLDING OF PASSPORTS BY ITALIAN GOVERNMENT.

Mr. CARR. Fraudulent ones have been printed and circulated by the hundreds and have even been falsely viséd.

Mr. ROGERS. I noticed in the press in the last few days that the Italian Government was proposing to withhold passports from immigrants from entering into the United States. Has the State Department been negotiating for some such arrangement?

Mr. CARR. No. The State Department has been notified voluntarily by the Italian Government that it has suspended the issue of passports to Italian subjects emigrating to the United States and will refrain from issuing such passports until informed as to the classes of immigrants desired in this country. I submit for the information of the committee a copy of the embassy's note:

REGIA AMBASCIATA D'ITALIA,
Washington, D. C., December 17, 1920.

The chargé d'affaires of Italy presents his compliments to his excellency the Acting Secretary of State and has the honor to inform him that, according to a communication just received from the ministry of foreign affairs, the Royal Italian Government has suspended the issue of passports to subjects emigrating to the United States and will refrain from issuing such passports until informed as to the classes of immigrants desired in this country.

Mr. ROGERS. Is the barrier complete at this moment?

Mr. CARR. I understand it is not. I understand that means only that the Italian Government henceforth is to refuse passports. Mr. McBride can tell you something about that.

Mr. McBRIDE. If the Italian Government should suspend the granting of passports to-day, there still remain in Italy enough persons who have had their passports already viséd at the American consulates to fill all the ships plying out of the Italian ports for six months, and in addition enough people have been granted passports by the Italian Government, which will be viséd, that will fill the ships for another two months.

Mr. ROGERS. What do you estimate the capacity of the ships for six months?

Mr. McBRIDE. At Naples we went on one of the ships in December and found the immigrant passports were all taken out six months prior to the time that we were on the ship.

Mr. ROGERS. On that point, you do not know the total number of passport holders in Italy at this moment?

Mr. McBRIDE. Not the exact number. I could make a rough calculation of it and I could easily find out the voyage of the ship.

Mr. SMALL. You are referring to ships sailing from Italian ports?

Mr. McBRIDE. Yes, sir; there are just two or three lines.

Mr. ROGERS. It is your understanding that this Italian regulation will have application only to those who wish hereafter to apply for passports?

Mr. McBRIDE. I think that is the actual fact.

Mr. CARR. The date when the suspension was to take effect was not mentioned in the memorandum, but it is clearly stated that it has already taken effect.

Mr. ROGERS. Mr. Carr, is it your impression that the regulation resulted from diplomatic negotiations inaugurated by the United States?

Mr. CARR. No, sir.

Mr. ROGERS. It was a voluntary suggestion from the Italian Government?

Mr. CARR. Yes, sir.

Mr. ROGERS. Mr. Carr, Mr. Small has suggested that it might be well to have in the record the proclamation of the President under the act of May 22, 1918, and the regulations issued under that proclamation. Would they be very voluminous?

Mr. CARR. They are rather voluminous; yes, sir. I am quite sure that if you had those regulations you would want also the present regulations, which to a certain extent supersede them.

Mr. ROGERS. Have you them in pamphlet form?

Mr. CARR. Yes, sir.

Mr. ROGERS. I think it will answer our purpose if you will bring down a few copies of that pamphlet for the use of the committee.

Mr. SMALL. Yes; that will be sufficient.

Mr. ROGERS. Referring again to the specific language of this item in the estimates, as I stated a few moments ago, we assume that the act approved May 22, 1918, will have gone off the books within three or four months and that public act No. 79 will never go on the books?

Mr. CARR. That is quite right.

Mr. ROGERS. When the new fiscal year begins it would seem improbable that there would be any law to enforce. If this committee is going to recommend a continuation of the passport act, of course, as I said, it will be subject to a point of order, but I think that we ought to have before us the appropriate language which will raise the point and enable the committee to decide whether it shall be left in or left out.

Mr. CARR. This language is very loose and misleading.

Mr. ROGERS. In connection with the other change which is to be corrected in public act No. 79, that I spoke of before, will you revamp the whole paragraph?

Mr. CARR. Yes, sir.

Mr. ELSTON. I think it might be well to have testimony here with regard to the distribution of these 300 passport agents, in order that the committee, if it should decide to continue the appropriation, may know about where it should concentrate any remainder which was left; and if we reduce the appropriation that is about the only way that we can make a proportionate cut—that is, if we make a cut instead of an absolute elimination. I think it might be well to have some idea of the first line of defense, and so on.

Mr. ROGERS. Mr. McBride, have you a table showing the make-up of the 373?

Mr. McBRIDE. The visé passports are secured from the consuls.

NUMBER AND LOCATION OF EMPLOYEES AND SALARIES.

Mr. ROGERS. I understand; but we have 373 special passport employees?

Mr. McBRIDE. Yes, sir.

Mr. ROGERS. Where are they located, geographically? I think it would be well for you to prepare a table showing the geographical make-up of the 373 employees. Perhaps you can either submit it or send it through Mr. Carr when he comes again.

Mr. McBRIDE. Yes, sir.

Mr. ELSTON. And we should know the modified program that the State Department wants to make in case the immigration law pending in the Senate is passed.

Mr. ROGERS. We must consider that, of course. It is going to be extremely difficult, in my judgment, for this subcommittee to recommend legislation when we do not know what the general background of the legislation will be.

Mr. McBride, in connection with the same table, will you indicate the amount of the salaries paid to Americans out of that fund?

Mr. McBRIDE. Yes, sir. Out of the 373 there are 119 Americans, and they are receiving an average salary of \$1,762.85.

(The following tables were subsequently submitted to the committee:)

Salaries and location of persons employed especially for passport visé work.

SALARY SCALE.

Compensation.	(C) American.		(D) Foreigners.	
	Number.	Total.	Number.	Total.
\$3,000.....	3	\$9,000		
\$2,600.....	1	2,600		
\$2,500.....	5	12,500		
\$2,400.....	6	14,400	1	\$2,400
\$2,300.....	1	2,300		
\$2,200.....	3	6,600		
\$2,100.....	1	2,100		
\$2,000.....	34	68,000		
\$1,800.....	31	55,800		
\$1,650.....			1	\$1,650
\$1,600.....	4	6,400		
\$1,500.....	4	6,000		
\$1,400.....	1	1,400		
\$1,200.....	6	7,200		
\$1,120.....	1	1,120		
\$1,100.....	1	1,100		
\$1,000.....	1	1,000		
\$900-999.....	9	8,460	56	52,380
\$800-899.....	1	840	15	12,160
\$700-799.....	1	720	25	17,940
\$600-699.....	1	600	38	23,352
\$500-599.....	1	500	17	8,652
\$400-499.....	3	1,140	101	32,084
	119	209,780	254	150,618

¹ Investigator.

² Interpreter.

SUMMARY.

Total number of employees.....	373
American.....	119
Foreign.....	254
Average salary of Americans.....	\$1,762.85
Average salary of foreigners.....	592.98

Salaries and location of persons employed especially for passport visé work—
Continued.

GEOGRAPHICAL BREAK-UP, BY CONSULATES.

Consulate.	Ameri- cans.	For- eigners.	Total.	Consulate.	Ameri- cans.	For- eigners.	Total.
Aleppo.....		1	1	Lucerne.....		1	1
Alexandria.....		1	1	Madrid.....		1	1
Amsterdam.....	1	2	3	Malaga.....		2	2
Antilla.....		1	1	Malmo.....		1	1
Antwerp.....	1	3	4	Malta.....		1	1
Athens.....	2	6	8	Manchester.....	1		1
Barcelona.....	1	2	3	Marseille.....	2	1	3
Beirut.....	1	3	4	Matamoros.....	1		1
Belfast.....	1	2	3	Mexico City.....	1		1
Belgrade.....	2	3	5	Milan.....		2	2
Bergen.....		1	1	Nancy.....	1	1	2
Berlin.....	4	9	13	Naples.....	3	13	16
Berne.....		1	1	Newcastle-on-Tyne.....	1	1	2
Bilbao.....	1	2	3	Nogales.....	1		1
Birmingham.....	1		2	Nottingham.....	1		1
Bordeaux.....		1	1	Nuevo Laredo.....	1		1
Bradford.....		1	1	Oporto.....	1		1
Bristol.....		1	1	Palermo.....	3	3	6
Brussels.....	1	4	5	Paris.....	10	22	32
Bucharest.....	3	6	9	Patras.....	1	5	6
Budapest.....	2	2	4	Piedras Negras.....	1		1
Buenos Aires.....	1		1	Prague.....	5	9	14
Cardiff.....		1	1	Queenstown.....	1	2	3
Catania.....	2	5	7	Riga.....		2	2
Cherbourg.....		1	1	Rome.....	2	7	9
Christiania.....	3		3	Rotterdam.....	4	5	9
Ciudad Juarez.....	2		2	St. Michaels.....	1	1	2
Constantinople.....	2	1	3	Saloniki.....	1	1	2
Copenhagen.....	2	3	5	Santander.....		1	1
Coruna.....	1	1	2	Santiago de Cuba.....	1		1
Damascus.....		1	1	Seville.....		1	1
Dublin.....	2	2	4	Shanghai.....	3		3
Dundee.....		2	2	Smyrna.....		1	1
Edinburgh.....		1	1	Sofia.....		1	1
Florence.....		2	2	Southampton.....		1	1
Funchal.....		1	1	Stavanger.....	1		1
Geneva.....		1	1	Stockholm.....	1	2	3
Genoa.....	1	1	2	Swansea.....		1	1
Ghent.....		2	2	Sydney, Australia.....		2	2
Glasgow.....	1	2	3	Toronto.....		1	1
Goteborg.....	1	2	3	Trieste.....	1	3	4
Habana.....	3		3	Tronhjelm.....	1		1
Havre.....	1	3	4	Turin.....	2	1	3
Helsingfors.....	1	2	3	Valencia.....	1	5	6
Hongkong.....	1	5	6	Venice.....	1	3	4
Hull.....		1	1	Vienna.....	2	6	8
Iquique.....		1	1	Viborg.....		1	1
Jerusalem.....		1	1	Vigo.....	2	1	3
Kingston, Jamaica.....		1	1	Vladivostok.....		2	2
Kobe.....	1		1	Warsaw.....	5	21	26
La Guaira.....		1	1	Wellington.....		2	2
Leeds.....		1	1	Winnipeg.....	1		1
Leghorn.....	1	2	3	Yokohama.....	1	1	2
Lille.....		1	1	Zagreb.....	1	7	8
Lisbon.....	1	2	3	Zurich.....	1	1	2
Liverpool.....		1	1				
London.....	4	4	8	Total.....	119	254	373

GEOGRAPHICAL BREAK-UP, BY COUNTRIES.

Country.	Ameri- cans.	For- eigners.	Total.	Total al- lotment.
Argentina.....	1		1	\$1,500
Belgium.....	2	9	11	8,130
Bulgaria.....		1	1	720
Chile.....		1	1	900
China (including Hongkong).....	4	5	9	10,080
Cuba.....	4	1	5	8,060
Czechoslovakia.....	5	9	14	12,800
Denmark.....	2	3	5	7,660
Finland.....	1	3	4	4,820
France.....	14	30	44	36,580

Salaries and location of persons employed especially for passport visé work—
Continued.

Country.	Ameri- cans.	For- eigners.	Total.	Total al- lotment.
Great Britain:				
British Isles.....	13	25	38	\$39,672
Canada.....	1	1	2	1,800
Australasia.....		4	4	2,350
Kingston, Jamaica.....		1	1	960
Malta.....		1	1	500
Greece.....	4	12	16	13,516
Italy.....	15	39	54	47,600
Japan.....	2	1	3	4,900
Mexico.....	7		7	9,280
Netherlands.....	5	7	12	12,940
Norway.....	5	1	6	8,860
Poland.....	5	21	26	15,000
Portugal.....	2	4	6	5,820
Roumania.....	3	6	9	10,560
Russia.....		4	4	2,280
Kingdom of Serbs, Croats, and Slovenes.....	3	10	13	15,160
Spain.....	6	16	22	17,800
Sweden.....	2	5	7	8,800
Switzerland.....	1	4	5	5,080
Venezuela.....		1	1	960
Berlin.....	4	9	13	10,000
Budapest.....	2	2	4	6,720
Vienna.....	2	6	8	7,480
Trieste.....	1	3	4	4,160
Alexandria.....		1	1	960
Constantinople and other offices formerly in Turkey.....	3	8	11	15,990
Total.....				380,398

GEOGRAPHICAL DIVISIONS.

Country.	Ameri- cans.	For- eigners.	Total.	Total al- lotment.
Western Europe (British Isles, Belgium, France, Spain, Swit- zerland, Netherlands, Portugal, and Germany).....	47	104	151	\$136,022
Scandinavia and northeastern Europe (Norway, Sweden, Den- mark, Finland, and Riga).....	10	14	24	31,460
Southeastern Europe and Slavic States (Poland; Czechoslova- kia; Kingdom of Serbs, Croats, and Slovenes; Bulgaria; Rou- mania; Budapest; and Vienna).....	20	55	75	68,440
Mediterranean countries (Constantinople and other offices for- merly in Turkey; Greece, Italy, Trieste, Alexandria, and Malta).....	23	64	87	82,726
Far East (China, Japan, Australasia, and Vladivostok).....	6	12	18	18,290
South America (Argentina, Chile, and Venezuela).....	1	2	3	3,360
Cuba and West Indies (Jamaica).....	4	2	6	9,020
North America (Mexico and Canada).....	8	1	9	11,080
Total.....	119	254	373	380,398

Mr. ROGERS. Do I understand, Mr. McBride, that there are 12 special passport employees at Berlin and that 9 of them are Germans?

Mr. McBRIDE. I do not know the number of Germans.

Mr. ROGERS. But 9 of them are foreigners?

Mr. McBRIDE. Nine of them are foreigners.

Mr. ROGERS. And your guess would be that most or all of them are Germans?

Mr. McBRIDE. Yes; I should think at least half of them are Germans—doormen and clerks of that type.

Mr. ROGERS. You can not have so many doormen?

Mr. McBRIDE. We need a good many doormen with crowds like that to handle.

Mr. ROGERS. Do you think that the Germans are probably passing upon the question of whether the visé shall be granted or refused in a given case?

Mr. McBRIDE. No, sir.

Mr. ELSTON. No foreigner?

Mr. McBRIDE. No; no foreigner. Every case is reviewed by a career consul—a man who receives no compensation from the visé appropriation at all.

Mr. ROGERS. That one man is not the only one who supervises it?

Mr. McBRIDE. He does not supervise it; he is only a clerk. It is passed to the career officer stationed at Berlin.

Mr. ROGERS. But at the same time these 12 special employees work up the facts, etc., and they are submitted to the man who actually reaches the decision?

Mr. McBRIDE. They make copies of the applications on the typewriter.

Mr. ROGERS. What I am trying to get at is whether there is a reasonable opportunity for the fraudulent granting of a visé through the manipulation of these 11 native employees.

Mr. McBRIDE. I do not think so.

Mr. ELSTON. Is it not true that practically all of the foreign employees are engaged in merely mathematical and clerical work?

Mr. McBRIDE. Yes, sir.

Mr. ELSTON. That which involves the labor of getting up the records and preparing the work?

Mr. McBRIDE. As a rule they take the application and look over the substantiating documents of the applicant to see they are all there and to see that the passport is in order, and then the application, with all these substantiating documents, is taken to the office of the consul and he goes over the application and puts all these questions again to the applicant and goes through his substantiating documents.

Mr. ROGERS. In the case of a person who desires to come at this moment from Germany, a German subject, I mean, he gets a passport from Germany, but he has no standing at the American consul's office nor any right to receive a visé, has he?

Mr. CARR. A German?

Mr. ROGERS. A German who wants to come to the United States, he has his passport, then does he go to the consul's office to get him to visé it.

Mr. McBRIDE. It depends upon the reason for his voyage. If he is coming on important commercial business in which the United States would benefit, he would probably be allowed to come, after his business had been thoroughly looked into.

Mr. ROGERS. The United States and Germany are at war. How can that be done, even if the interest involved is extensive and even if the reason is entirely a good one?

Mr. CARR. It is not done in Germany by the consul. We have none in Germany, but the visé may be granted by the American commission.

Mr. ROGERS. Under what authority is that possible?

Mr. CARR. For various reasons, including the promotion of trade and the protection of American interests through the furnishing of

accurate information in regard to Germany, we have followed the practice of other governments and have had a commissioner in Berlin for some time. Only certain Germans who might be useful to the United States are permitted to come here. The commissioner, being the only agent of the United States who can give anything in the nature of a visé, is permitted to do it. Permission to come to the United States is not granted to any German who bore arms in the enemy armies during the war, and to no others without the authorization of the United States.

Mr. ROGERS. I understand that, but it is a revelation to me that an enemy's subject is allowed to come to the United States under the direct sanction of an American diplomatic or consular officer. How long has that been going on?

Mr. CARR. There has been a gradual relaxation of those restrictions for six months.

Mr. ROGERS. What you are doing, I suppose, is to recognize the state of facts and to disregard the state of the law?

Mr. CARR. For instance, we are letting German business men come over here where the purpose of the business would be an advantage to the United States, and we are letting German individuals come over here who want to join a part of their family in the United States or who are dependent on relatives in the United States.

VISÉS GRANTED TO GERMAN SUBJECTS.

Mr. ROGERS. Have you any figures available which will indicate the number of visés granted to German subjects during the last fiscal year?

Mr. CARR. I think we have. We have only admitted during the period that I mentioned about 1,658.

Mr. ROGERS. In connection with the table which Mr. McBride is going to furnish the committee, I wish you would have prepared a table showing by enemy countries the number of applicants for visés, the number of visés granted, and the number of visés refused.

Mr. CARR. Yes, sir.

Mr. ROGERS. Germany and Austria.

Mr. CARR. With respect to Austria we are letting almost everyone come who is not excludable under the regulations and who has not served as an officer in the enemy armies.

(The following table was later submitted:)

	Alien visés granted, quarter ended—			Alien visés refused, quarter ended—		
	Mar. 31, 1920.	June 30, 1920.	Sept. 30, 1920.	Mar. 31, 1920.	June 30, 1920.	Sept. 30, 1920.
Austria.....	39	286	490	3	7	149
Belgium.....	1,637	1,972	2,101	246	250	416
Bulgaria.....	8	22	24	1	2	19
Czechoslovakia.....	902	3,161	9,689	37	24	24
Danzig.....		10	1,812		5	62
Denmark.....	1,334	1,330	2,138	12	27	54
France.....	2,962	4,015	4,869	220	218	326
Germany.....						
Great Britain and Ireland.....	11,839	24,907	27,228	45	140	349
Greece.....	4,860	7,823	7,074	24	44	172
Italy.....	55,208	76,493	61,060	714	497	320
Jugo-Slavia.....			1,638			38
Malta.....	1,220	1,620	814			4
Netherlands.....	2,603	3,177	3,512	208	133	64
Norway.....	1,501	2,016	2,436	16	6	6
Poland.....	995	8,252	14,860			6
Portugal.....	3,567	3,932	4,093	6	7	4
Rumania.....	356	1,717	4,099			
Russia.....	5	87	351			15
Serbia.....	1,181	2,500	3,344	42	125	71
Spain.....	5,787	10,189	9,955	99	87	48
Sweden.....	1,603	2,508	3,420	44	21	16
Switzerland.....	1,436	1,829	2,389	33	35	19
Turkey.....	796	2,582	2,745	1	10	12
Algeria.....	12	24	13	2	4	
Total.....	104,860	160,451	170,154	1,053	1,642	2,194
Limoges, France.....	19	21	29			
Helsingfors, Finland.....	177	305	671	2	2	7
Berlin, Germany.....	10	518	1,130			574
Saloniki, Greece.....	323	500	591	7	15	5
Milan, Italy.....	946	2,110	1,819	67	84	32
Grand total.....	106,335	163,905	174,394	1,129	1,743	2,812

ADDITIONAL LEGISLATION NEEDED FOR PASSPORT EMPLOYEES.

Mr. ELSTON. If the passport employees out of this fund are not given any authority to deny passports, but are employed merely on the prewar function of viséing passports, which is one of the current activities of the office, why would you need all of this fund by reason of the great increase in applications?

Mr. CARR. I do not quite catch your question.

Mr. ELSTON. Mr. McBride has just testified that there is a tremendous number of applicants besieging the consular offices in foreign countries?

Mr. CARR. Yes, sir.

Mr. ELSTON. I suppose it would be your duty to examine them and to issue viséed passports?

Mr. CARR. Yes, sir. It is a question of whether or not these regulations remain in force.

Mr. ELSTON. You did not do this kind of work before the war?

Mr. CARR. No, sir.

Mr. ELSTON. I think it is a very great question, if you did not do it before the war, whether this work is worth continuing.

Mr. CARR. If we should continue this, some additional legislation would be necessary to carry it beyond the state of peace.

Mr. ELSTON. I understand that.

Mr. CARR. If the additional legislation was supplied, and we continued doing what we are doing at present, I am perfectly sure that in order to do it in any sort of acceptable way we should need every dollar that we have estimated for—that is to say, the full \$1,000,000 for this visé work alone—and I am not sure that would be adequate to relieve the officers and release time sufficient to perform their regular consular functions.

Mr. ELSTON. Are you prepared at this time to make any recommendation as to its continuance or discontinuance, based on your experience?

Mr. CARR. I have been in the past against the granting of immigrant-exclusion functions to the consuls, because I have felt that with that duty our consuls, instead of efficiently performing their regular functions, which we all admit are useful and necessary, would become simply immigration officers and the consulates would be converted into immigration stations. I have also felt that we would inevitably encounter objection from other Governments. I am not at all sure that if we require our consuls to perform the exclusion functions that we will not have to couple with that grant of authority power to open negotiations with other Governments for permission to conduct examinations of intending emigrants in foreign territory or exclude immigrants absolutely by law and then make regulations which consuls could execute which would permit such foreigners as are desired to come in under a consular visé. That is a very important matter; and, while I am not prepared to outline a comprehensive scheme of control, I do think the existing visé system should be extended and made permanent and that the consuls should have power to refuse visés to all persons who are clearly excludable under our immigration laws.

To do the work will require all the money for which we have estimated, and I am almost certain even more money than we have estimated for. But in that connection it is to be borne in mind that at the present rate of immigration we are going to put into the Treasury at the end of the year, as we estimate, from seven to eight million dollars, or a profit on the investment this year of \$6,600,000. I think I am perfectly safe in saying that. It is not a drain on the Treasury at all; it is a large source of revenue.

Mr. ROGERS. \$10 per visé?

Mr. CARR. Yes, sir.

Mr. SMALL. Mr. Chairman, in view of the revelations growing out of the war and during its continuance of the number of undesirable aliens in the United States, some of whom even have been naturalized, and in view of the large number of aliens now seeking admission, is it not a serious question whether we ought not to continue in some appropriate form some supervision by consuls of aliens seeking admission?

Mr. ROGERS. Of course, that is not strictly the function of this committee to decide, although it may be pertinent for us to decide it as far as we can.

Mr. SMALL. If we decide it to be appropriate, we might include a provision of that sort in the bill, subject, of course, to a point of order, with a view to giving some publicity and directing the attention of the legislative committee to it.

Mr. ROGERS. It is perfectly clear that the item as carried in the estimate is not a happy phrase, but we will correct that.

Am I to infer from what you have just said, Mr. Carr, that you would be opposed to the inclusion of the same language as the conferees on the diplomatic bill carried in the conference report last year?

Mr. CARR. No. What I meant to convey was this: Heretofore I have felt that this was hardly a consular function; that it was more of an immigration function, one that consuls ought not to be expected to exercise, in view of the complications into which it might lead them. The function of excluding immigrants under the immigration laws is, as you know, quite different in principle from the execution of existing regulations which are directed against enemy aliens and those who are regarded as politically undesirables; but a number of very careful observers and consular officers inclined to take the other view. I have confidence in their judgment. I am disposed to agree with their view, provided we exercise the function, if it should be decided to give it to the consuls, in such a way as not to involve us in complications with others.

Mr. SMALL. Mr. Chairman, if it should appear that we must clothe the consuls with this function or encounter difficulties from foreign Governments in having such functions discharged by any other officials of the Government—for instance, the officials of the Immigration Bureau—it appears that objection would be made to immigration officials acting within the countries from which these aliens come, and then, on the other hand, it would appear to be entirely an appropriate function for the consuls. There can be no objection to the presence of the consuls in these respective countries—the visé of passports is an appropriate function and the conditions under which the visé shall be granted under the laws of the United States could scarcely be objected to by foreign countries, so if any limitation upon the departure of aliens from their respective countries to the United States is to be placed and enforced it would seem that the enforcement could only be accomplished through our consular officers.

Mr. ROGERS. I want to read into the record, so as to have it available, sections 3 and 4 of the conference report on the Diplomatic and Consular appropriation bill of 1921, found in House Report No. 895:

SEC. 3. The visé of a passport of an alien may, under regulations prescribed by the Secretary of State, be refused if the applicant would be dangerous to the public safety or obviously be liable to exclusion if allowed to present himself at a port of the United States for admission: *Provided*, That such applicant, if rejected by the officer of the United States to whom the application was originally made, may appeal to the Secretary of State: *And provided further*, That the issuance of a visé to an alien by a person duly authorized to issue such visé on behalf of the United States shall not relieve said alien or the steamship company transporting him from the operation of any provision of the laws of the United States.

SEC. 4. From and after the 1st day of June, 1920, it shall be unlawful for any alien, other than a seaman, to enter or attempt to enter the United States without a passport duly viséed by a person duly authorized by the Secretary of State to issue such visé: *Provided*, That this section shall not apply to nationals of Great Britain domiciled in the Dominion of Canada, Newfoundland, the Bermudas, or the Bahamas, or to nationals of France domiciled in St. Pierre and Miquelon, or to citizens of Cuba, Panama, or Mexico.

That language, Mr. Carr, as you will recall, was quite carefully worked out by the House and Senate conferees. I do not think

there is any question but what it would be acceptable to the Senate, and my impression is that it would be at least a fair question whether it would not be acceptable to the House at this time. I am making this suggestion so that you may consider it in reference to this particular paragraph.

Mr. CARR. I thank you very much.

Mr. ROGERS. Mr. McBride, we have discussed this morning the limited character of the discretion of the consul to whom a request for visé is made. I gather in the case of Germany, however, that the discretion goes far beyond what would be indicated as the usual discretion, because Mr. Carr has suggested that there a visé is granted only if the applicant coming to the United States would absolutely be of commercial use to the United States?

May I ask under what authority of law as opposed to authority of good sense the action of the German visé officers comes? Assuming that the United States officer placed in Germany can grant visés to people who will be commercially useful to the United States, why can not the Warsaw visé officer or the Naples visé officer refuse the visé on the ground that he would be of benefit or detriment to the United States? What is the difference between the Germany policy as indicated by Mr. Carr and the policy throughout the world?

Mr. McBRIDE. Of course, we are still in a state of war with Germany technically. Therefore every German application must be submitted to the State Department. If it is submitted, then the consular officer does not have any discretion to grant or refuse the visé.

Mr. CARR. That is true. Every German is excluded under the regulations. With the exception of a certain small number of classes of Germans, I think in every case the application of a German must be submitted to the State Department.

Mr. ROGERS. You do not think that the Germany policy is a departure from the law of May 22, 1918?

Mr. CARR. No. The law of May 22, 1918, gave the President the power to control aliens of all kinds coming into the United States. Now, under that law the President clearly has the power to admit Germans if he pleases. There is nothing in the law which would prohibit it. The regulations even during the war did not exclude hostile aliens who could present acceptable passports and who were otherwise not objectionable. The view taken by the department now is that, generally speaking, it is inadvisable for a German to come to this country at this time, but there may be certain Germans who have business relations with persons in the United States or with whom the United States is willing to have others engage in business for some reason that is advantageous, and that it would be disadvantageous to keep them out merely on the technicality that they are Germans. Moreover, there are certain people in Germany who are dependent upon relatives in the United States, and it seems to be a humane and proper course to let those people come over; but in every case the application is passed upon by the Department of State before the visé is authorized.

Mr. ROGERS. That does not modify the universality of the application of the law of May 22, 1918, with reference to enemy countries?

Mr. CARR. It does not modify the application of the law of May 22, 1918.

Mr. ROGERS. Take Belgrade, for example, where 238 visés were refused in a period of nine months. Is it your impression that every one of those refusals was based strictly on the law of May 22, 1918?

Mr. CARR. I should think very likely; yes, sir.

Mr. ROGERS. You do not think that the consuls are using common sense outside of the four corners of the law in refusing visés?

Mr. CARR. I do not think many of them are. I think the general sentiment of the consular service is that the men would like to exclude many of the people coming in large numbers that, in their opinion, do not improve the population of the United States, and that are better out of the United States than in it. They would like to see them excluded, but I think they generally feel that they have no power except as indicated by the regulations.

REFUSAL OF PASSPORTS.

Mr. ROGERS. Have you known of cases, Mr. McBride, where the consul simply said: "I can not stand for letting that fellow come to the United States; although he may not be dangerous to our institutions, I am not going to give him a visé"?

Mr. McBRIDE. Yes; I think there are cases of that kind.

Mr. ROGERS. How general is that?

Mr. McBRIDE. Not at all frequent. A consul does not refuse a case unless he has pretty good proof that the man is undesirable.

Mr. ROGERS. What kind of cases have you known of?

Mr. McBRIDE. There were one or two exceptions that I made myself.

Mr. ROGERS. In what sort of a case?

Mr. McBRIDE. There was a person associated with grafting in Warsaw that I simply refused a visé.

Mr. ROGERS. You could not prove it?

Mr. McBRIDE. I could not prove it, and there was no possible way of proving it.

Mr. ROGERS. I do not think you violated the law in that case. Suppose a leper came to you and asked you for a visé, would you give it to him?

Mr. McBRIDE. No; I should not.

Mr. ROGERS. You would be outside of the law if you did not?

Mr. McBRIDE. I know. Personally, I do not think that I should. Of course, under the regulations I would have to grant the visé if he insisted, but I should endeavor to warn him so strongly that he would not insist.

Mr. ELSTON. Tell him what his reception would be in the United States?

Mr. McBRIDE. Yes, sir.

Mr. CARR. Mr. Skinner, in London, you may be interested to know, operates the regulations in this way: When he finds an applicant who, in his judgment, is unqualified under the immigration law he warns him in writing, and if the man insists upon a visé he asks him to bring that warning back to him with his signature showing that he has been warned that he will likely be excluded, and the signature of the steamship company showing that it has been warned. Few persons ever return the written warnings duly signed.

Mr. ROGERS. I had supposed that was the general practice. Mr. Moore testified in the case which I mentioned:

I would qualify that by saying that it is the privilege of the consul to state on the man's passport or application, "Applicant informed he is liable to be excluded from the United States."

Mr. CARR. The notification that the warning has been given is done now, not in writing, but by certain symbols.

Mr. ROGERS. From what he said at that time, I understood that it was a stamp that was affixed to the passport?

Mr. CARR. The foreign Governments objected to stamping the notification on the passports, so we resorted to a method which is not objectionable.

Mr. ROGERS. If the foreign Government objected to that, I think they would object all the more to what we proposed in the conference report.

Mr. CARR. In respect to this particular thing a Government, the name of which I prefer not to give, objected to the stamp on the passports of its nationals. They said that they did not care whether or not we refused visés, but they did object to our granting the visé and stamping the passport with a statement that the holder was excludable. They said, "We do not object if you refuse for the reasons you say that they will probably be excluded; that is perfectly satisfactory to us, but we do not want to have it stamped on the passport."

Mr. ROGERS. From my viewpoint that subterfuge of the stamp illustrates the folly of this present arrangement. It is giving something with one hand and taking it back with the other.

Mr. CARR. It is just not marshaling the forces of the Government.

Mr. ELSTON. That is it exactly.

Mr. ROGERS. Have you anything more to add, Mr. McBride? I do not know whether you finished your statement?

Mr. McBRIDE. The result of my investigations in Europe shows that control is being very well done by our consuls abroad, and that control is really effective. Nevertheless, only 2 per cent were actually refused, because of the fact that the control is known generally and there are thousands of people who otherwise would come to the United States who are not even attempting to obtain the visé now.

Mr. ROGERS. You think that the system is worth continuing as it is?

Mr. McBRIDE. I think so, if the officers were properly housed and had adequate staffs in order to carry on the business without so much extra work.

Mr. ROGERS. Do you think that the system would be still more worth continuing if the consuls had the authority of law for refusing the visé to excludable immigrants?

Mr. McBRIDE. Yes, sir; I think so.

Mr. ROGERS. You approve of some such change in the law as that?

Mr. McBRIDE. Yes, sir.

Mr. ROGERS. I understand that on the whole you have come to approve it also, Mr. Carr?

Mr. CARR. Yes, sir.

Mr. McBRIDE. I found that, after investigating most of the large visé offices abroad, that we required just twice as many clerks as we

have now. That would mean an expenditure of \$800,000 next year for clerks, \$230,000 for special investigators who would be sent out to investigate the suspicious passports visé applicants, and \$80,000 for separate quarters in cities where the number of visés exceed 1,000 per month. That means a total of \$1,110,000, without having taken into consideration the question of furniture.

Mr. ROGERS. Will you have any unexpended balance?

Mr. McBRIDE. This year?

Mr. ROGERS. Yes.

Mr. McBRIDE. It will be very small.

Mr. CARR. I do not think we will have any, Mr. Rogers, when we get to the end of the year, for the reason that we are already making expenditures up to the limit of the appropriation.

Mr. McBRIDE. You see, we are dealing now with a million persons whereas under the last appropriation we were dealing with less than 200,000. The work has increased five times.

Mr. ROGERS. Of course, if this example of Italy should be followed by other countries, it would almost automatically permit a reduction in the visé problem, from the United States standpoint.

Mr. CARR. To some extent, perhaps, but there will remain a great deal to do in regard to aliens who are not immigrants. It should be remembered that nearly one-third of the aliens who came to the United States last year were of the nonimmigrant class.

Mr. McBRIDE. On the other hand, if through the visé work the Consular Service was asked to carry out the provisions of the bill on immigration which passed Congress recently, every applicant instead of taking five minutes of our time as he does now, would take half an hour.

Mr. CARR. You are speaking of the Johnson bill which passed the House?

Mr. McBRIDE. Yes. It would be very difficult for us to pass on the question of blood relationship for persons coming from eastern Europe, where it is very difficult for them to get proper documents, where there are no civil records, and it is very difficult for them to produce marriage certificates.

Mr. CARR. Besides, from the Warsaw region and the eastern European region it would not, as I understand it, reduce the number of immigrants, because the immigrants coming from there now are claimed to be within the classes that are admitted under the Johnson bill. They are relatives, in other words.

Mr. ROGERS. Well, I was assuming that the example of Italy might be followed, for example, by Poland. As far as that particular phase of the work is concerned, that would mean a very decided reduction in your problem, would it not?

Mr. CARR. Yes; it would mean a large reduction.

Mr. ROGERS. Do you have difficulty in getting qualified Americans to go out for the work?

Mr. CARR. Yes; a great deal of difficulty.

Mr. ROGERS. What is the salary range?

Mr. CARR. The salary range for Americans sent from here is from \$1,800 to \$3,000, depending upon the location and the character of work to be done.

METHOD OF APPOINTING EMPLOYEES—AVERAGE SALARIES.

Mr. ROGERS. How are those men appointed?

Mr. CARR. They are appointed in the ordinary way—I mean by selection.

Mr. ROGERS. Without examination?

Mr. CARR. Without examination.

Mr. ROGERS. Are they the sort of men who might later be vice consuls?

Mr. CARR. Some of them are, and some of them are of the ordinary clerk type; but we have been lately trying to get some special investigators. We have a few men who have had some experience in investigational work.

Mr. ROGERS. Both the salaries and the method of appointment are under regulation of the Secretary of State merely?

Mr. CARR. As a matter of fact, there is no general regulation. What we do is to try to select from the applicants we have those who seemingly possess the qualifications for that kind of work. That is the only thing considered. Each prospective employee is carefully investigated before he is accepted.

Mr. ROGERS. Should you send out more Americans, if you could get qualified Americans?

Mr. CARR. Yes; a considerable number. It is necessary, however, to employ a large number of foreigners.

Mr. ROGERS. What is the salary range for foreigners?

Mr. CARR. Five hundred and ninety-two dollars is the average.

Mr. ROGERS. That is helped by the rate of exchange, I suppose, very much.

Mr. McBRIDE. The average for Americans is \$1,762.

Mr. CARR. A great deal of the work is the kind of routine work which the average American will not perform. It is a peculiarity about the young American who wants to go abroad in the Consular Service, in an unclassified position, that he disdains the routine, the ordinary clerical work. He wants to be something very much bigger and more important, and this routine work can really best be performed by the foreign clerk.

Mr. McBRIDE. It is also very difficult to get an American who will sit at a desk and deal with the immigrant type all day long, because his office is crowded and it is very unhealthy.

Mr. ROGERS. Yes; I should think he would have all the diseases known to the pharmacopœia.

Mr. McBRIDE. He does have a good many of them. We have had a great many cases of illness in my office in Warsaw.

Mr. CARR. In the exercise of his function we might just as well admit that it is going to be necessary to employ a very large number of foreigners.

Mr. LAY. The average American has no language qualifications that would suit him for that sort of thing.

Mr. McBRIDE. At Warsaw we use several languages. The clerks who were taking applications had to be proficient in Polish, Russian, German, and Yiddish.

Mr. ROGERS. If you can get men for an average of \$671 that can do that sort of thing, I do not wonder that you have to take them.

* * * * *

PASSPORT CONTROL.

Mr. ROGERS. The newspapers, Mr. Carr, have been dealing recently with an apparent difference of opinion between the State Department and the Labor Department with reference to the admission of certain aliens who have not been provided with passports before they left their own country and consequently, of course, have not been provided with visés from the American officers. Do you know approximately the extent to which aliens have been admitted into the United States without passports and visés?

Mr. CARR. No; I do not know the extent to which they have been. I have had called to my attention in the last four or five days three or four cases where apparently they had been admitted without the State Department having waived the visé, without the State Department having been asked to waive the visé. Without examining the dossiers and knowing all the facts, my present understanding is that the admissions were granted by the Department of Labor.

Mr. ROGERS. Are those three or four cases all recent cases?

Mr. CARR. I think they are all recent cases.

Mr. ROGERS. Does the State Department in some cases waive the visé now?

Mr. CARR. Yes, sir. The usual procedure where an alien arrives at an American port without a visé is for the case to be brought up to the Labor Department and referred by it to the State Department.

Mr. McBRIDE. It is usually referred direct to the visé office by the Commissioner General of Immigration here in Washington.

Mr. CARR. Yes; by the Commissioner General of Immigration. The State Department considers the case and advises the Commissioner General of Immigration whether or not in its opinion the visé ought to be waived. In the cases to which you refer that, as I understand it, was not done. In a case that appeared in the newspapers last week my understanding is that the case was not referred formally through the Department of Labor prior to the time the man was released on parole.

Mr. ROGERS. In the cases which do go through the State Department channels is there ordinarily a passport unviséed or is there no passport at all?

Mr. CARR. Usually, as I understand it, there is no passport at all.

Mr. McBRIDE. There is no passport in the case of stowaways.

Mr. ROGERS. How many of those stowaway cases have been admitted into the United States, say, since the armistice, if you know?

Mr. McBRIDE. That is, in how many cases have we waived the visé regulations in favor of the stowaway?

Mr. ROGERS. Yes.

Mr. McBRIDE. I should say offhand only in one or two cases in which the Department of State has waived the visé regulations in favor of the stowaway, and it has refused to waive the visé regulations in dozens and probably hundreds of cases.

Mr. ROGERS. Are there any other cases besides the stowaway cases where a man is permitted to enter the United States in spite of the lack of or any irregularity in the passport or visé?

Mr. McBRIDE. Yes, sir.

Mr. ROGERS. What type of cases are those?

Mr. McBRIDE. There was one that came to my attention this morning. A British subject arrived in New York with his wife and three children. All of the three children were under 10 years of age, and through neglect, probably on the part of the British subject, the children did not appear upon the passport, and so they were held at Ellis Island and we were asked to waive the visé regulations in favor of the three children, and we did waive them.

Mr. ROGERS. Are there a good many cases of that kind, Mr. McBride?

Mr. McBRIDE. Not a large number; no, sir.

Mr. ROGERS. Are there a great many stowaway cases which you have refused to admit?

Mr. McBRIDE. A large number; yes, sir.

Mr. ROGERS. Now, why, out of a large number, are there only one or two that you find meritorious?

Mr. McBRIDE. I do not know the details at the present time, but I believe that one of them was a reservist, an Italian who had lived in this country for years and years and who had gone over to fight in the Italian army. He would have been entitled to have his passport viséd when he came back.

Mr. ROGERS. Under the law as it stands to-day and under the regulations promulgated under that law, has either the State Department or the Labor Department, or both together, the right to admit an alien without a passport?

Mr. CARR. The Secretary of State has. The President's proclamation of August 8, 1918, says that the Secretary of State is hereby authorized in his discretion to prescribe exceptions to these rules and regulations governing the entry into and departure from the United States of citizens and subjects of nations associated with the United States in the prosecution of the war.

Mr. ROGERS. Is there any similar provision which allows the Secretary of Labor to do the same thing?

Mr. CARR. No, sir. When this executive order was issued on August 8, 1918, it prescribed a system under which the act of May 22, 1918, should be administered. Section 1 of those regulations states that the present system of controlling the entry into and departure from the United States of alien enemies and other persons, as administered by the Department of State, the Department of the Treasury, the Department of Justice, the Department of Commerce, and the Department of Labor, is hereby confirmed, by virtue of the authority vested in the President as aforesaid, and shall continue in full force and effect in the continental United States as defined herein until the 15th day of December, 1918, and in the outlying sections of the United States until such time or times as the Secretary of State shall designate, when the following rules and regulations shall become operative and shall succeed all rules and regulations and orders inconsistent with them. Then it goes on to say that the Secretary of State is hereby authorized in his discretion to prescribe exceptions, and so forth. Then in another part of the executive order the President says: "I hereby designate the Secretary of State as the official who shall grant, or in whose name shall be granted, to aliens to depart from or enter the United States; I hereby direct all departments of the Government to cooperate with the Secretary of State in the

execution of his duties under this proclamation and the rules promulgated in pursuance thereof; they shall upon his request make available to him for that purpose the services of their respective officials and agents."

Mr. ROGERS. During the past two years have you known of instances of would-be political refugees who have been prevented from coming to the United States because of our visé regulations?

Mr. CARR. Would-be political refugees?

Mr. ROGERS. In other words, refugees who seek to leave their country but who have been prevented from leaving or from entering the United States because of our passport and visé regulations?

Mr. CARR. I do not recall any such cases, do you, Mr. McBride, of a person leaving his country for political reasons and being prevented from doing so by our visé regulations?

Mr. McBRIDE. No, sir; I do not recall any such case.

Mr. ROGERS. The case which has been so recently so much in the newspapers would be that type of case, would it not?

Mr. CARR. No, I do not think it would be, because my understanding is that in that particular case the gentleman's testimony before the immigration officers showed very clearly that he was coming into the United States for a specified length of time, for certain specific purposes after which he was going to return to his own country. There was nothing in his testimony which indicated, so far as I am aware, any political persecution or the fact that he was a refugee from some other country. Am I right Mr. McBride?

Mr. McBRIDE. Yes. He stated that he was going to return within a specified time.

Mr. ROGERS. I do not know whether you can answer this question, Mr. McBride, but is that particular case the sort of case that you would have given the sanction of the department to, if it had been presented to the department in the ordinary course?

Mr. McBRIDE. No, sir. It is just an ordinary stowaway case, so far as our regulations are concerned.

Mr. ROGERS. The suggestion that you made this morning, Mr. Carr, in your draft of language for the bill in the matter of passports would not change in any way the freedom of action which you now have in the matter of granting admission in what you believe to be desirable cases. Is that true?

Mr. CARR. I think that is true, certainly with respect to any person who is fleeing from any other country to this country on account of political persecution. The only doubt in my mind is whether, by virtue of the fact that political refugees are expressly excepted by the provision, the act may not operate by construction to narrow the authority which the Secretary now possesses in respect to other persons who are not refugees. I have not considered that language in that light, but I will do so. It certainly does not narrow the Secretary's authority so far as the political refugee is concerned but it definitely grants that authority by law.

Mr. ROGERS. Yes, and it gives him the moral sanction of Congress for doing more freely what he has the technical right to do to-day.

Mr. CARR. Precisely.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Friday, January 28, 1921.

Mr. NEWTON. Mr. Chairman, I have a matter that I think ought to be brought up. The members of the committee will recall the bill, H. R. 15857, which is in the first subdivision there. This is a bill regulating the granting of visés by diplomatic and consular officers of the United States. Mr. Moores has offered one amendment and another was offered by Mr. Mason. In view of the fact that I have previously talked with the State Department in connection with the matter, I wanted to call their attention to the amendments and to get their ideas in connection with them. I also discovered that, whereas we had changed one portion of the bill on page 1, we had neglected to make an amendment of the similar clause on page 2, so that the bill did not read the way that it should have read upon being reported out of the committee. Therefore I propose to make a motion to reconsider the action of the committee in reporting the bill. I first took the matter up with the Secretary of State and then with Mr. Moores, so as to get his ideas with reference to this amendment.

Now, an amendment was offered on page 2, line 6, where an exception is made for viséed passport to any alien presenting himself at a port of the United States for admission. Then Mr. Moores's first amendment comes in, reading: "Or at a port of any foreign country where a United States consular officer is maintained." No objection at all was offered to that provision. Then Mr. Moores offered an amendment on page 2, line 16, after the word "passport" and the period, as follows:

The proof required that the applicant for admission is seeking to avoid political persecution may be made by affidavit of the applicant for admission, supported by affidavit of one or more disinterested persons, which in the case of applicants at foreign ports shall be presented to the proper consular officers and transmitted to the Department of State.

My recollection is that Mr. Moores's object in offering that amendment was to provide for a record, so that either the Government or the applicant would have some kind of record to ascertain the grounds upon which the applicant was either admitted or denied admittance. So I advised the State Department that that was the purpose of Mr. Moores's amendment, and asked them for an opinion in regard to it. Their opinion was somewhat similar to my own, in that the language used might be construed as restricting the nature of the proof to that of the use of affidavits almost exclusively.

Mr. Moores did not intend that, and, obviously, the State Department, or any other department of the Government, should not be restricted as to the nature of the proof which must satisfy them. Therefore, I took the matter up with Mr. Moores, and we agreed upon the following language, which I submitted to the State Department and which they said was in every way acceptable to them:

Strike out all of that portion of Mr. Moores's amendment and insert in lieu thereof the following, on page 2, line 16, after the word "passport" and the period:

"The proof herein referred to in every case shall be reduced to writing. The Secretary of State is authorized and directed to prescribe the rules and regulations governing the nature of the proof required and the character of the evidence to be received."

Mr. LINTHICUM. Why do you use the word "authorized" in that connection?

Mr. MASON. It makes the Secretary of State still the boss as to who shall come in.

Mr. NEWTON. The provision is that he shall make proof to the satisfaction of the Secretary of State. He is the officer to whom proof shall be made, and this prescribes that the evidence shall be reduced to writing and shall be in accordance with forms and regulations prescribed by the Secretary of State.

Mr. MASON. I think that is an improvement on Mr. Moores's amendment, because Mr. Moores's amendment requires them to make proof in regard to political persecution, and this amendment would cover racial and religious persecution. That is an improvement, but the whole thing still leaves the Secretary of State as the boss.

Mr. NEWTON. That was in the original provision. Mr. Moores's amendment went to the question of proof and did not cover it as broadly as the original authorization.

Mr. LINTHICUM. You say, "The Secretary of State is authorized and directed," etc. Why should you use the word "authorized" in that connection when you have directed him to do certain things?

Mr. NEWTON. That is the usual form.

Mr. LINTHICUM. I move that the word "authorized" be stricken out, so that the Secretary of State may be simply directed to do it. I can not see the necessity of authorizing him to do something that he is directed to do.

The CHAIRMAN. That is the usual manner of stating it—that is, that the official is authorized and directed.

Mr. MASON. That is the usual legislative language and that language is right and proper.

Mr. LINTHICUM. I would like to have eliminated the unnecessary language.

Mr. TEMPLE. If we direct him to do certain things we assume that he must have authority to do it. We must first authorize him and then direct him as to the manner in which he shall use the authority, but the authorization should precede the direction.

Mr. NEWTON. I am using the usual phraseology.

Mr. TEMPLE. It is usual to employ the term "authorize" and there is a reason for it. Manifestly, he can not exercise an authority unless it has first been conferred upon him. Therefore, in the first place, we authorize him, and then proceed to direct him as to the manner in which he shall use his authority.

Mr. LINTHICUM. If we direct him to do something it is to be presumed that we give him authority to do it.

Mr. TEMPLE. Yes, sir; it is an implied authority, but that language would make it clear.

Mr. NEWTON. I move a reconsideration of the vote by which the bill H. R. 15857 was reported out favorably, as amended.

(The motion of Mr. Newton was carried.)

Mr. NEWTON. I move that the second part of Mr. Moores's amendment, as read by me a moment ago, be stricken out.

Mr. MASON. Is that bill now before the committee or has it been reported out?

The CHAIRMAN. It has not been reported out.

Mr. MASON. It was authorized to be reported out?

The CHAIRMAN. Yes.

Mr. MASON. I do not want to expedite this legislation in any way.

The CHAIRMAN. It seems perfectly clear to me that where a bill has not been reported out of the committee, the committee can recall its authorization and amend it in any way it sees fit.

Mr. NEWTON. Any additional amendments, of course, as I understand it, would be considered.

Mr. TEMPLE. We have just adopted a motion to reconsider it, and we are proceeding to reconsider an amendment.

Mr. LINTHICUM. We have adopted a motion to reconsider it, and the bill was reported.

Mr. TEMPLE. That brings it back to where it was when the motion to report was pending.

Mr. NEWTON. With all amendments adopted in force and effect.

The CHAIRMAN. That was my understanding.

Mr. NEWTON. I move to strike out that portion of Mr. Moores's amendment read by me and to insert in lieu thereof, page 2, line 16, after the word "passport" and the period, the following language:

The proof herein referred to in every case shall be reduced to writing. The Secretary of State is authorized and directed to prescribe the rules and regulations governing the nature of the proof required and the character of the evidence to be received.

I move the adoption of that amendment.

Mr. MOORES. I want to say one word about this. My notion in submitting this amendment was that the bill as drafted would permit the exercise of rank favoritism by either the consular officers or the Secretary of State. Since there was always the danger that that might be done, I was endeavoring to guard against it by providing a stricter rule under which men in like conditions would be treated alike. For that reason I prepared that amendment. The Secretary of State objecting to it, I drafted this other amendment and submitted it to Mr. Newton, who was satisfied with it, and I believe that it would go a long ways toward preventing favoritism. It will preserve the record of each case so that the courts can correct favoritism if it is exercised in the department. It is for that reason that this amendment is offered, and that is the only reason. It is for the protection of both the applicant and the Secretary of State. It is for the protection of the Secretary of State and of the consular service from charges of favoritism.

Mr. MASON. I think that statement is fair, and that the amendment is an improvement, if you can improve a thing that is absolutely wicked, bad and wrong. This still leaves with the Secretary of State the power to make rules and regulations. Now, if we get an Irishman as Secretary of State, or a Secretary of State of Irish blood, he would make rules and regulations that would keep the English out.

Mr. HOUGHTON. They could come in under passports.

Mr. MASON. If we should have an English President, as we have now, then you would have rules and regulations that would keep the Irish and South Africans out.

Mr. LINTHICUM. What is the next President? I have heard various statements about that.

Mr. MASON. He is 100 per cent American until he refuses to make the appointments we want, and then we will doubt his Americanism. We can not tell whether he is an Irishman or an Englishman until we see who is the collector of the port of Chicago. Seriously, the whole objection is that we do not want the Secretary of State to determine who shall come in. Under your bill, as it is framed now, it would prevent the coming into this country of people who want to present their cause or their actions in regard to their efforts to achieve self determination.

We have received those people ever since this Government was founded, beginning away back at the time when Louis Kossuth came over here. We have now in my State quite a number of Protestant clergymen and the Irish people have sent Irish Protestants over here to tell us their side of the controversy. We have had the English Protestants over here, also, but under this bill we could hear but one side of it, because with an English Secretary of State the Irish Protestant could not get a passport. They could not get passports to come over and present their case for the consideration of Congress or for the consideration of the American people. The whole bill being wrong, I shall vote against any amendment which leaves with the Secretary of State the right to make rules and regulations which amount to law, and to say who shall come into this country.

Mr. NEWTON. Of course, the language used by me in the body of the act provides that any alien presenting himself at a port for admission, if otherwise admissible, who shall prove to the satisfaction of the Secretary of State and the Secretary of Labor that he is seeking admission to the United States to escape or avoid political persecution, etc., shall be considered as entitled to admission. That language was taken verbatim from the immigration law. I merely followed the existing immigration law in the wording of that portion of the bill.

Mr. MASON. That is the immigration law, but as he must have a passport, they have the power to keep the desirables there and to send the undesirables away.

Mr. NEWTON. This provision covers the case where he is not required to have a passport. Whether he has a passport, or not, under the immigration laws, if he can prove to the satisfaction of the Secretary of State and the Secretary of Labor that he is coming to this country to escape political persecution, then he is admissible even though he can not pass the literacy test.

Mr. MASON. Suppose that he comes here and says that he can not get a passport because he is like the East Indians who are here lecturing and talking and giving us information in regard to their condition in India. They could not come here. They could not get passports because they could not say that they were coming to escape persecution, but that they were coming here for the deliberate purpose of lecturing to the people and informing the people as to their condition in India.

Mr. MOORES. There is not one who would not say that he came to escape political persecution.

Mr. MASON. If he intended to go back to India or to the Republic of South Africa, and there was a South African Republic until England choked it to death, they could not do it.

Mr. LINTHICUM. I move, as a substitute to the motion that has been made, that the amendment be adopted and that the bill be reported with the amendment.

Mr. MASON. I do not want to take up the time of the committee.

The CHAIRMAN. There is one other measure that I would like to dispose of. I want to ask Mr. Newton one question: Mr. Newton, would you have any objection to an amendment to the amendment providing that the public shall have access to those rules and regulations? I am told that they keep them more or less confidential, and I see no reason why they should be confidential.

Mr. NEWTON. I never had any difficulty myself in getting anything at the State Department that I asked for.

Mr. MOORES. These regulations ought to be posted up in every consular office.

Mr. MASON. One of my colleagues stated that the State Department informed him that these rules were confidential.

Mr. HOUGHTON. One of my colleagues stated that the department said they would be glad to show anything.

Mr. NEWTON. They are confidential to this extent: The State Department is admitting certain people without passports. That refers to people who came here and have gone again. They are people who have come to this country and, perhaps, become naturalized, and have gone over to Germany or some other country and then have failed to report to the American embassy, as the law requires. As a result, such a person is not an American citizen and he is not a foreign citizen. He is not recognized as such, and he is, indeed, a man without a country. Now, is a man like that to be kept out?

That is one of the several cases where they admit without a passport. Now, obviously, they do not want to advertise the fact generally that there are ways whereby a man can get in without a visé or they would be simply besieged with cases claiming to be exceptions, and only to that extent are these instructions confidential.

(The amendment was adopted.)

Mr. NEWTON. Mr. Chairman, on page 1, line 10, no one on the committee likes the phrase "document in the nature of a passport," because it was known that the State Department viséd an application and that was in no sense a document in the nature of a passport, and so out of that came an amendment of this language: "In case of inability to procure a passport, a document relating to identification setting forth the facts usually required in a passport." I asked them what they thought of that provision and they had no serious objection to it other than the fact they did not like the phrase "in case of inability to procure a passport" in that it was rather too general. A man might be unable to procure a passport, as Mr. Houghton suggested, because he did not have the \$5 or \$10 to pay for it, and the suggestion was therefore made that instead of using the phrase "a document in the nature of a passport," the phrase "a document in lieu of a passport, the form and substance of which shall be prescribed by the Secretary of State," be used.

The CHAIRMAN. Yes; that is a good idea.

Mr. NEWTON. And I therefore move to amend the phrase I have just read by inserting the phrase, "a document in lieu of a passport, the form and substance of which shall be prescribed by the Secretary of State."

(The amendment was adopted.)

Mr. NEWTON. An inadvertence in the amendment occurs on page 2 of line 16, where the phrase is used, "or document in the nature of a passport." Of course, with the change on page 1, we should have changed the language on page 2, line 16, and therefore I move you that the phrase "or document in the nature of a passport" be stricken out and in lieu thereof this language be used, "or document in lieu of a passport, the form and substance of which shall be prescribed by the Secretary of State," so that this language will conform to the preceding language on page 1.

Mr. HOUGHTON. Mr. Newton, do I understand that anybody wanting to come to this country has a choice as to whether he shall take a passport or a document in lieu of a passport?

Mr. NEWTON. No.

Mr. HOUGHTON. Why not? Is not that exactly what you say? Why is not the option clearly before any man?

Mr. NEWTON. I see your point there. We still open the door. I like that phrase, "document in lieu of a passport."

Mr. HOUGHTON. I do, too, but as an emergency measure and one that can only be used in case of an emergency.

Mr. NEWTON. Yes; that is the purpose and intent of it.

Mr. HOUGHTON. If we follow Mr. Mason's thought, as I understand it, to the ultimate conclusion, we would let people in without passports.

Mr. MASON. Oh, yes.

Mr. HOUGHTON. Now, I do not believe in letting them in without passports or something equivalent to a passport, which is a certification regarding them, but I do not think, with a million or more people coming in here yearly, everybody should have the option of taking either one form or another. The essence of the one should be to meet an emergency. Can you not lay this on the table for the moment? It is still before the committee and we can take it up our next meeting, which can be to-morrow or at any time the chairman fixes.

Mr. NEWTON. If we could meet to-morrow—

The CHAIRMAN (interposing). We are going to meet to-morrow. In the meantime, suppose we all think over this proposition of whether or not we are making a mistake in destroying this bill as originally drafted by the State Department. They construe those words, "or document in the nature of a passport," to mean a petition, and it meets the objection which you make, which is a very sound one. I am merely suggesting this.

Mr. HOUGHTON. You will remember, Mr. Chairman, that the basis of all our discussion was the point raised by the gentleman from Alabama that we were putting in the hands of the Secretary of State under certain circumstances the right to exclude, not by warrant of law, not by any conditions laid down by the Congress or even understood by us, but as he saw fit. Now, that is a very serious objection, in my opinion; indeed, it is so serious an objection that I have very grave doubts that the bill could pass if that point was once raised. This bill betters that, of course, and it betters it so much that I should be inclined to accept it if it is not made optional with the million people yearly coming to this country which form they would take.

Mr. LINTHICUM. Would not the regulations issued by the State Department cover the point you make there?

Mr. HOUGHTON. I do not see how as this bill is drawn. You say definitely that they can come in under one or the other.

Mr. LINTHICUM. We certainly put it in their hands to issue certain regulations as to when the other one can be accepted. A party not being able to obtain a passport by reason of some political matter or for some other reason, then they will accept some other document. It seems to me to clearly put it in the hands of the State Department to designate under what conditions the other paper may be used in lieu of a passport.

Mr. NEWTON. May I interrupt right there? How would it do to say "document in lieu of a passport, to be issued under regulations prescribed by the Secretary of State"?

Mr. MOORES. We can change that in fewer words by saying "the latter to be used only upon proof that proper application for a passport has been refused."

Mr. HOUGHTON. I should think that would meet the objection pretty closely.

Mr. MASON. That would not be fair because a man who is a fugitive from political persecution can not say he has applied for a passport, because he could not apply for it.

Mr. HOUGHTON. To start with, he does not want to give notice to the party he is flying from that he is about to fly.

Mr. LINTHICUM. Does not this bill except a man seeking admission to avoid political persecution? He does not have to comply.

Mr. MASON. The suggestion I make is to the requirement that he must show that he applied for a passport.

Mr. HOUGHTON. I make a motion, Mr. Chairman, that this matter be left on the table until to-morrow.

The CHAIRMAN. I think that is a very good idea.

Mr. MOORES. Inasmuch as I can not be here to-morrow, I will have to vote "no" on that.

Mr. HOUGHTON. Well, make it Monday. -Can you be here Monday?

Mr. MOORES. No. Why not dispose of it to-day and get rid of it? I move the chairman be authorized to introduce the bill as amended, and to report favorably on it.

The CHAIRMAN. I would like something done to meet the objection of Mr. Houghton.

Mr. TEMPLE. If you put in the phrase of Mr. Moores's on the first page, then your second page covers the exceptions applying to aliens who are subject to religious persecution, and it would not require them to go and ask for a passport.

Mr. MOORES. I think you are right about that.

Mr. TEMPLE. Then, they would be no more required to have that than they would be to have a passport.

Mr. HOUGHTON. May I make this suggestion somewhat in line with Dr. Temple's, and that is to say, "without a valid passport or," and then go over to page 2 where it provides in case "he is seeking admission to the United States to escape or avoid political persecution, and so forth," then a document in lieu of a passport.

Mr. TEMPLE. Then, in line 15, of page 2, it is provided, that an alien "entitled to admission whether or not he is the bearer of a valid passport or document in the nature of a passport," shall be considered as entitled to admission. That makes the exception. It ex-

cepts him from this requirement to have made application just as definitely as it excepts him from having a passport.

Mr. HOUGHTON. I think that is true. I think that is a general exception.

Mr. TEMPLE. He does not have to have a passport or show he has asked for it.

Mr. NEWTON. That is correct.

Mr. TEMPLE. And then we would put the phrase suggested by Mr. Moores on the first page instead of down here.

Mr. MOORES. That is where I offered it.

Mr. TEMPLE. Then the general exception covers the passport and application and everything else.

Mr. MOORES. I think so. That was offered for the first page, as you suggest.

Mr. LINTHICUM. Mr. Chairman, I move a committee consisting of Mr. Newton, Mr. Houghton, and Mr. Moores be appointed to thrash out this question and report back to the committee.

Mr. HOUGHTON. Will you not include Mr. Temple also?

Mr. LINTHICUM. Yes.

Mr. TEMPLE. I have not any further contribution to make. I was simply calling attention to Mr. Moores's original intention.

Mr. HOUGHTON. Will you be here to-morrow, Mr. Moores?

Mr. MOORES. You had better put somebody else on that committee who is not unfriendly to the bill. I am not friendly to the bill, because I do not think it goes far enough and I do not think it is safeguarded, and I am against it for that reason.

Mr. LINTHICUM. I move that the chairman appoint a committee of three.

The CHAIRMAN. You have heard the motion that the chairman be authorized to appoint a committee of three to draft this amendment. The motion named Mr. Houghton, Mr. Newton, and Mr. Moores.

(The motion, being duly seconded, prevailed.)

Mr. MOORES. I would like to have Dr. Temple substituted for myself, if you can.

The CHAIRMAN. They would like to have the benefit of your work on this, Mr. Moores. I know I would.

Mr. HOUGHTON. I would like to move that Dr. Temple be added to the committee.

(The motion, being duly seconded, prevailed.)

The CHAIRMAN. Gentlemen, we will have another meeting to-morrow at 10.30 o'clock in relation to the purchase of embassies and the raising of our representation in China, and I would like a full attendance.

(The committee thereupon adjourned.)

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Monday, January 31, 1921.

The committee met at 10.30 o'clock a. m., Hon. Stephen G. Porter (chairman) presiding.

The CHAIRMAN. I would like very much to dispose of this passport matter this morning. Mr. Newton, do you desire to take it up

now or after we finish the testimony of Mr. Rubin. Has the subcommittee come to an agreement?

Mr. NEWTON. Yes; we have.

The CHAIRMAN. Who is the chairman?

Mr. NEWTON. I think I was the first named. I do not know that there was any chairman named.

The CHAIRMAN. Then suppose you make the report.

Mr. NEWTON. Mr. Chairman, this is H. R. 15857. On page 1, line 10, the phrase "or document in the nature of a passport" was the original language, and that was amended so as to read "in case of inability to procure a passport, a document relating to identification setting forth the facts usually required in a passport." The subcommittee took the matter up with the official of the State Department having to do with passport control, and agreed upon this language, which will take out the uncertainty of the phrase, "in case of inability," or at least to a very large extent. Therefore, I move that in lieu of the language set forth in the bill, that that whole language be stricken out; that is, "in case of inability to procure a passport," and that on page 2, line 16, the phrase, "or document in the nature of a passport" be stricken out. This would make the first paragraph of the bill therefore require a passport except as to seamen, except as to people from the British West Indies, Canada, etc., and except as to those avoiding political, racial, or religious persecution. In order to take care of people not coming under those three exceptions—that is, seamen, Canadians, and those seeking to avoid political or racial persecution—

Mr. SMITH of Illinois. How do they get in?

Mr. NEWTON. They get in without a passport.

Mr. SMITH of Illinois. Upon proof of what they are trying to do?

Mr. NEWTON. Yes; upon proof of that fact no passport is required of them, but to take care of those exceptional cases that would not be included in the three exceptions, the committee recommends, after conference with the State Department, the following as a new sentence to follow the word "passport," on line 16, page 2:

When any alien who is otherwise admissible shall present through the appropriate diplomatic or consular officer of the United States proof, of a character satisfactory to the Secretary of State, that he is unable to procure a passport from his own Government for reasons which would not render such alien inadmissible under the immigration laws of the United States, the Secretary of State shall authorize the said diplomatic or consular officer to issue to the said alien a document in lieu of a passport which shall set forth all of the facts usually required in a passport; and such document when so issued shall be treated as a passport, within the meaning of this act, for the purpose of admission into the United States: *Provided*, That for each such document issued there shall be collected and paid into the Treasury of the United States the fees prescribed by law for the issuance of a passport, and for the visé of each such document, the fees prescribed by law for the granting of a visé.

That provision we put in there in order that there might be no inducement for a man to figure out a reason why he should be admitted without a passport, because it would be \$10 cheaper. In this way we collect the same fee from the document in lieu of a passport that we would if they were able to procure a passport. Mr. Chairman, I move the adoption of my amendment striking out the two phrases in question and inserting in lieu thereof the new provision which I have just read.

The CHAIRMAN. You have heard the motion, gentlemen; are there any remarks?

Mr. BEGG. Mr. Chairman, I heard the reading, but I do not know that I know what is in it, and I think this is an important proposition.

The CHAIRMAN. Suppose the amendment be reported again.

Mr. BEGG. Have you copies so we can look at it?

The CHAIRMAN. It seems to meet the situation as well as we can meet it.

Mr. LINTHICUM. Do you like that word "shall" issue, or would it be better to make it "may" issue.

Mr. SMITH of Illinois. That is the gist of the whole thing.

Mr. NEWTON. That has been the whole objection about allowing too much discretion.

Mr. BEGG. This proposed amendment comes in where?

The CHAIRMAN. In line 16.

Mr. BEGG. What is out?

Mr. NEWTON. "Or document in the nature of a passport."

Mr. BEGG. And this whole thing goes in at that place?

Mr. NEWTON. Yes.

Mr. HOUGHTON. Does it not go in as a separate paragraph?

Mr. NEWTON. There is a period after the word "passport" in my amendment.

Mr. HOUGHTON. Of course, it does not make any difference.

Mr. NEWTON. It does not seem to me that it requires a separate paragraph because the following sentence, "the Secretary of State is authorized, in lieu of passport requirements, to make special regulations," etc.; also pertains to the same thing and is in the same paragraph.

Mr. DICKINSON. Has this amendment been agreed to by all the subcommittee?

Mr. NEWTON. All except Mr. Moores, who was away Saturday and said he would not be here to-day. However, from our talk with him that afternoon, it embodies his ideas, as I understand them, and as the committee understood them. He was trying to define as closely as possible and limit the discretion of the State Department.

Mr. BEGG. Now, Mr. Chairman, may I ask a question or two on this proposition?

The CHAIRMAN. Certainly, sir.

Mr. BEGG. When we pass this bill, are we not, in a sense, offering an affront to the other nations of the globe. When a national requires a passport for leaving a country, it is assumed, certainly, that they have a valid reason, is it not?

The CHAIRMAN. I think that is a rather violent assumption in some cases.

Mr. BEGG. You think it is.

Mr. HOUGHTON. You do not think, Mr. Begg, that the issuing of a foreign passport should either limit or influence our admission of anybody here?

Mr. BEGG. Let me turn it around, if we pass a law requiring citizens of the United States to have passports before they leave, and if any country, Mexico, Great Britain, or any other country, turns around and says to our people, "You can ignore that law; we will take you

anyhow," what is the diplomatic standing between the two nations on that proposition?

Mr. HOUGHTON. It was discussed pretty freely before the committee, and we were advised, as I understand it, Mr. Newton, that the position taken is wholly without objection?

Mr. BEGG. I can not see anything else but a violation of the laws of that country.

Mr. HOUGHTON. It may be that is true, but you asked the question and I answered it. We talked the matter over with the representative of the department and he said that as drawn the resolution was inoffensive.

Mr. NEWTON. Let me suggest this: The way the provision is worded it is to be used as a passport, not for the purpose of getting out of the country, but only for the purpose of admission into the United States.

The CHAIRMAN. That is the point.

Mr. BEGG. Absolutely, but suppose a condition arises in this country whereby we do not want our citizens to leave. We will just assume that that condition arises. Let us take Bergdoll as an illustration. I am saying to you that when Germany admits that kind of a citizen and protects him from the laws of this country I do not look with very much favor on Germany or upon her official government, and supposing that some men have committed some kind of a crime against the Government in any country and they say they will not let them out and will not give them a passport, and then they go around to our diplomatic and consular officer and we say, "Well, hang with your government; we will take you." I am just asking the question, What is the international—

Mr. HOUGHTON (interposing). How far would you be willing to carry that, Mr. Begg? Would you be willing to say that no one shall come into the United States that has not a foreign passport?

Mr. BEGG. If we are going to lay down a passport control absolutely, I say lay it down. If you are not, then leave it out without a passport.

The CHAIRMAN. Mr. Begg, so far as the issuance of a passport or paper in lieu of a passport is concerned by the United States, that is merely for the purpose of allowing the admission of a man into the United States.

Mr. BEGG. I grant that, Mr. Chairman, and he will have no trouble getting a passport if his country wants him to leave.

The CHAIRMAN. Let us assume his country does not want him to leave on account of his political beliefs or his religious beliefs, or something of that sort, it has always been the policy of the United States to allow those people to come in.

Mr. BEGG. And I have no criticism of that policy at all, but I can not see why you have not built up a worse situation than you had before with this amendment. I grant that I am taking snap judgment, but I had no means of seeing the amendment until this moment.

Mr. HOUGHTON. I do not think perhaps Mr. Bragg differentiates between two points. We admit freely here without passport any political refugee.

Mr. BEGG. Yes; but our intention is not so to do now.

Mr. HOUGHTON. Just wait a moment. Let us anticipate a condition that might arise if one or more countries in Europe decided that while they were willing that the very old should leave, or that the dependent young should leave, they were not willing that an able-bodied man or woman should leave; and suppose that man or woman, therefore, can not get a passport. This bill provides that they can come into our country via the laws that we establish, and that they can get in lieu of this passport a document which admits them. You raise the question, Is that offensive to the foreign Government? And the answer to that is, No.

Mr. BEGG. Well, I am not sure your conclusion is correct. It may be entirely within the province of reason to suppose that France or Belgium may need to preserve their man power for the purpose of recuperating and rebuilding her countries. Suppose those countries do decide that, then we say to their subjects, "Well, there is nothing to that; we can get around that easy enough;" where do we stand diplomatically?

Mr. HOUGHTON. I gave you the answer twice.

Mr. BEGG. I do not see your answer at all. That is no answer at all to me.

Mr. HOUGHTON. That may be. I do not profess to give you a reason that you agree with. I am giving you the reason that has been handed down to us and with which I entirely agree.

Mr. DICKINSON. Mr. Chairman, it seems to me this matter has been discussed here pro and con for two weeks before this committee, and I would like to see a vote on this amendment.

Mr. BEGG. Mr. Chairman, I just want to say that I do not think there is any need for that kind of speed. We have not discussed this here for two or three weeks, and here comes in an amendment that is very vital, and we are asked just to grab it. It may be the rest of this committee have had an opportunity to see this amendment, I do not know, but I am certain I did not know anything about it until this moment.

Mr. NEWTON. Mr. Begg, you were not here at a meeting two or three days ago when the substance of this resolution was discussed here and a subcommittee appointed to draw it up after a conference with the State Department.

Mr. BEGG. I was here that day.

Mr. NEWTON. No; you were not here on that day.

Mr. BEGG. When the committee was appointed I was here, and I have been here at every meeting I have had any notice of.

Mr. BROWNE. I would like to hear the amendment read the way it is now.

Mr. MASON. May we make suggestions as we go along?

Mr. NEWTON. Possibly Mr. Browne would rather have it read entire:

When any alien who is otherwise admissible shall present through the appropriate diplomatic or consular officer of the United States proof of a character satisfactory to the Secretary of State that he is unable to procure a passport from his own Government for reasons which would not render such alien inadmissible under the immigration laws of the United States, the Secretary of State shall authorize the said diplomatic or consular officer to issue to the said alien a document in lieu of a passport which shall set forth all of the facts usually required in a passport, and such document when so issued shall be treated as a passport, within the meaning of this act, for the purpose of

admission into the United States; *Provided*, That for each such document issued there shall be collected and paid into the Treasury of the United States the fees prescribed by law for the issuance of a passport, and for the visé of each such document the fees prescribed by law for the granting of the visé.

This, I may say, Mr. Browne, takes the place of the phrase, "or document in the nature of a passport," which is stricken out at line 10, page 1, and at line 16, page 2.

Mr. MASON. This proposed amendment states, "shall present through the appropriate diplomatic or consular officer of the United States proof of a character satisfactory to the Secretary of State," and compels the procurement or the making of that statement before the granting of the document in lieu of a passport.

Mr. NEWTON. Yes; he must make a showing.

Mr. MASON. And being before a consular officer, it must be in the other country.

Mr. NEWTON. Not necessarily.

Mr. MASON. Suppose he came here as a stowaway.

Mr. ACKERMAN. Suppose he got out of Germany and into France, if he presented it to a diplomatic or consular officer in France it seems to me that would hold.

Mr. MASON. Yes; but suppose he lands here as a stowaway.

Mr. HOUGHTON. Then he would come under the immigration law.

Mr. MASON. The Immigration Bureau has no diplomatic power.

Mr. HOUGHTON. But, Senator, this is intended to cover cases arising outside of the United States.

Mr. NEWTON. The language of the amendment is, "when any alien who is otherwise admissible shall present through the appropriate diplomatic or consular officer of the United States"—

Mr. MASON. Suppose he is trying to escape either a religious or irreligious persecution, or has committed some political crime?

Mr. NEWTON. Then he does not need a passport at all under this.

Mr. MASON. Suppose he comes over here as a stowaway; to whom does he present this proof?

The CHAIRMAN. To the appropriate diplomatic or consular officer of the United States. If he came here as a stowaway he would present it to the Secretary of State.

Mr. SMITH of Illinois. Do I understand that if he simply makes a showing that he is trying to escape political or religious persecution he is eligible?

Mr. NEWTON. Without a passport or visé.

Mr. SMITH of Illinois. All he has got to do then is just to say that.

Mr. NEWTON. No; he has got to show that satisfactorily.

Mr. SMITH of Illinois. Who holds the discretionary power to say whether he has made such a showing or not?

Mr. NEWTON. The Secretary of State.

Mr. SMITH of Illinois. Then it goes right back to the same thing.

Mr. NEWTON. The application of any law must be lodged somewhere.

Mr. SMITH of Illinois. You have an immigration law that covers that now.

Mr. MASON. Yes; under the immigration law he would have to go back, as it is now.

Mr. NEWTON. No; that if he was otherwise admissible. Of course, if he was an anarchist—

Mr. MASON (interposing). I understand that,

Mr. NEWTON (continuing). Or if he was diseased, then, of course, he would have to go back, but this provision merely requires a visé for everybody with the exception of seamen and people living in near-by countries, and those who through political, racial, or religious persecution, it is presumed, can not procure a passport. They do not have to have a visé. Now, by this provision, we make a further exception, and we say that in the event a man can not procure a passport through reasons that do not make him ineligible under our immigration laws, he shall be admitted upon a document in lieu of a passport.

Mr. MASON. The trouble about it, it seems to me, Mr. Newton, is that it implies he has got to show he made an effort to get a passport.

The CHAIRMAN. Certainly.

Mr. HOUGHTON. No; that is specifically taken out.

The CHAIRMAN. He must show that he is unable to do so.

Mr. NEWTON. The question of whether he was unable to procure a passport is a matter of proof. If there is a well-recognized law in the country that no one can get a passport, then the Secretary of State does not need to have proof to show that the man should have tried to get it, because that would have been foolish. It all goes to the question of proof, whether he was able to procure a passport. It seems to me that this provision limits the discretionary power of the Secretary of State to the very minimum.

Mr. MASON. Can any of my colleagues state from memory just what the provision is for those who come in under the immigration law for educational purposes or for lecturing? I have not that in mind.

Mr. NEWTON. I have not, either.

Mr. MASON. Do you know, Mr. Chairman?

The CHAIRMAN. No; I do not; but there is no reason why they should be excluded.

(There being no further remarks, the motion of Mr. Newton, having been duly seconded, prevailed.)

Mr. NEWTON. Now, Mr. Chairman, I make the motion that H. R. 15857 as amended be reported out favorably, to be taken up at the earliest possible moment.

Mr. LINTHICUM. Mr. Chairman, would it not be better to reintroduce the bill with the amendment and then report the bill out in that form?

The CHAIRMAN. That makes a more desirable record.

Mr. LINTHICUM. Decidedly; and you do not raise so many questions.

Mr. NEWTON. That is perfectly agreeable to me.

The CHAIRMAN. Then, a motion to the effect that Mr. Newton be instructed to introduce the bill and the chairman to report it out will be in order.

Mr. LINTHICUM. I make that motion.

(The motion having been duly seconded prevailed.)

Mr. MASON. The same understanding goes as to this new bill with reference to my right to file to your report my minority report.

Mr. NEWTON. Oh, yes.

MODIFICATION OF VISÉ REQUIREMENTS

HEARINGS

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH CONGRESS

SECOND SESSION

ON

H. R. 11503 and H. R. 11957

**BILLS TO AUTHORIZE THE PRESIDENT IN CERTAIN CASES
TO MODIFY VISÉ REQUIREMENTS**

JANUARY 26 AND 28, 1925

STATEMENTS OF

Hon. ALBERT JOHNSON, Representative in Congress from the State of Washington

Hon. WILBUR J. CARR, Assistant Secretary, Department of State

Mr. L. V. RUSSELL, Bureau of Immigration, Department of Labor

Mr. ERNEST B. FELSINGER, representing the Merchants' Association of New York and Export Managers Club

Mr. CHAUNCEY SHOW, manager foreign-commerce department, United States Chamber of Commerce, Washington, D. C.

Mr. FRANK C. PAGE, manager of resolutions and referendum department, United States Chamber of Commerce, Washington, D. C.

Mr. LEWIS E. HAAS, representing the San Francisco Chamber of Commerce



WASHINGTON

GOVERNMENT PRINTING OFFICE

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HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH CONGRESS, SECOND SESSION

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MODIFICATION OF VISÉ REQUIREMENTS

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Monday, January 26, 1925.

The committee this day met, Hon. Henry W. Temple (acting chairman) presiding. The committee had before it for consideration H. R. 11957, as follows:

A BILL To authorize the President in certain cases to modify visé fees

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding existing law fixing the fees to be collected for visés of passports of aliens and for executing applications for such visés, the President be, and he is hereby, authorized, to the extent consistent with the public interest, to reduce such fees or to abolish them altogether, in the case of any class of aliens desiring to visit the United States who are not "immigrants" as defined in the immigration act of 1924, and who are citizens or subjects of countries which grant similar privileges to citizens of the United States of a similar class visiting such countries.

STATEMENTS OF HON. ALBERT JOHNSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON; HON. WILBUR J. CARR, ASSISTANT SECRETARY OF STATE; AND MR. MIDDLETON BEAMAN, LEGISLATIVE COUNSEL, HOUSE OF REPRESENTATIVES

Mr. COOPER. Mr. Johnson, when people come over here under a six months' permit, promising to return at the expiration of that time, when they apply for their naturalization papers, or first papers, the visé is required to show, or will show, that they are here under a six months' contract?

Mr. JOHNSON. Yes.

Mr. COOPER. Then, how can they get their first papers, when they are here under a permit and under a promise to return at the end of six months? That is shown upon the face of it, and it must be apparent that they can only get the first papers under a misrepresentation.

Mr. JOHNSON. There is no law to prevent the issuance of first papers. That is done as a sort of routine process, and we used to be very liberal about it.

Mr. COOPER. I thought that the officials examined those papers somewhat before issuing first papers.

Mr. BEAMAN. Not the first papers. The law provides that upon final application for citizenship, the petition for naturalization must be accompanied by what is called the certificate of arrival. Under the present law, that is the only opportunity that the court or the department has of checking up on a man and determining whether or not he came in properly in the first place.

Mr. COOPER. Then, it is plain that the law should be amended so as to require the issuing and production of that certificate.

Mr. BEAMAN. That is the very thing that the Committee on Immigration has under consideration now; that is, amending the naturalization law in that respect.

Mr. COOPER. It strikes me at once that that is something that should be done.

Mr. JOHNSON. As you will understand, for years our immigration laws were such that we were not very particular as to how aliens came in, and the naturalization courts had great difficulty in checking up on them. They got in the habit of issuing certificates of arrival on the basis of nunc pro tunc proceedings, the excuse for that being that the officials were supposed to examine the ship's manifests. In order to check up on the truthfulness of the applicant's statement, they had to examine the ship's manifest. Now, it might be that the applicant had changed his name, or he might have forgotten the name of the ship on which he came in. Our new immigration law was designed to stop that, because it requires to be filed with the department for every man the papers under which he came. The department within the last few months has ordered the nunc pro tunc proceedings to be stopped. The checking of the manifests, or the checking of the names of aliens on the manifests, was under the Immigration Service, while all of the rest of it was under the naturalization service.

Mr. COOPER. The nunc pro tunc proceedings, or the "now for then" proceedings, meant that they would make the order, or whatever it was, operative as if it had been made long before. In other words, it did not state the real truth.

Mr. JOHNSON. No, sir; it assumed that the man's statements were truthful. It assumed that the man was truthful when he came in on a certain date and said that he was Tony Angelo.

Mr. COLE. Are there any methods or means provided for getting those men out of the country?

Mr. JOHNSON. Everything is provided except the means. We have the law but have not the money.

Mr. COLE. They could be deported.

Mr. JOHNSON. Yes.

Mr. FAIRCHILD. A man coming in under a six months' permit, with the idea of becoming an American citizen, can not become such no matter how long he stays. If he remains here in hiding for 50 years, he can not acquire citizenship, or the right to remain here permanently.

Mr. JOHNSON. No.

Mr. FAIRCHILD. There is only one way to prevent that, and that is by the visé abroad.

Mr. JOHNSON. Yes; that is the best way to do it. Now and then we have a hair-trigger matter which Mr. Carr well understands. In the preparation of this last immigration act we listened to the suggestions of the State Department that we should recognize treaties, favored nation clauses, etc., so far as they applied to people traveling from one country to another for business or pleasure. That provision has been in the law, and now the question arises, "What is business?" Obviously, that term would include inter-

national business of a high order. There have been many opinions written on that. We had a confidential one to our committee, or to a member of our committee, from Secretary Hughes on that question, but in its essence it is similar to one made by Mr. Bassett Moore, which can be found in documents relating to this matter. That was in a case where they undertook to make a ruling as to visitors for business. Now, you might come here to be the correspondent of the London Times and want to stay indefinitely, but never thinking of acquiring citizenship. Of course, you would be entitled to come under the treaty. You might come as the representative of a big Paris bank, and want to stay indefinitely, or you might want to come here for two years in some such capacity. You might come as the legal representative of any business interests for an indefinite stay. But, on the other hand, some one might come as a peanut vender, or to set up a small Armenian rug house and employ a lot of people from Armenia to peddle rugs.

Mr. FAIRCHILD. Suppose he comes as the vender of peanuts grown in Italy; how could you stop him? How do you distinguish between a man who represents a silk house in London or Paris and a man representing a dealer in peanuts that are produced in Italy?

Mr. JOHNSON. In distinguishing between the representative of a silk house and a peanut vender you could establish a line by which the immigration officials might step in and doubt a man's good faith and require of him a bond, and the foundation for that has been laid in the application for the visé. By means of that visé requirement you provide a foundation for that. Otherwise you would have the country filled up with people who had never shown up at the consulates at all, and who would come in without any kind of examination. If you do away with that foundation, you will have the country filled up with people who come in as visitors, and you will be putting the burden of proof on the United States. You would be doing that in spite of our efforts to deal with the matter the other way. That would put upon us the burden of getting them out, and we never could get sufficient appropriation for that purpose. Deportation is a hard matter to handle, and it is usually done by arranging with the other country to issue a visé to the passport to let them go back.

Mr. FAIRCHILD. How is it possible to eliminate the visé without opening the doors wide?

Mr. JOHNSON. That is what I do not know.

Mr. FAIRCHILD. You might reduce the fee.

Mr. JOHNSON. Yes.

Mr. FAIRCHILD. But you can not eliminate the visé.

Mr. JOHNSON. No; not with the general movement of peoples that is going on in other countries. There would be a perfect avalanche and it would be poor business on our part, in my opinion, to eliminate the visé.

Mr. COLE. Without the visé what control would we have over it?

Mr. JOHNSON. They must have a passport to start with. The passport requirement will be permanent, regardless of this proposed reciprocity. A man obtains the visé from the consul after showing and stating his purpose. It is then that our consuls, under the law, conduct their examination of them.

Mr. COOPER. They can not get it in any other way.

Mr. JOHNSON. No. If I may state the working of it briefly, a man asks for a visé, stating that he is an international banker, and if he convinces the consul that he is an international banker, he then gets a nonimmigrant status. On the other hand, here is a man who is fleeing from Russia, and is trying to get into the United States as an immigrant: He must get through the examination prescribed for immigrants, and if he comes the quota is reduced so much.

Mr. COLE. It would be within the discretion of our consuls abroad whether to issue the visé or not.

Mr. JOHNSON. Yes.

Mr. COLE. Can they be trusted in all cases?

Mr. JOHNSON. We think so. It works very well.

Mr. FAIRCHILD. Do not business men complain about the time that it takes to secure visés? Is there not more complaint on that account than as to the amount of the fee?

Mr. CARR. Yes, sir. Our information is that business men complain very greatly about the fee which, because of our requirement of visés on passports of aliens coming here, are required by foreign governments on passports of Americans traveling in foreign countries. By the time a man travels through five, six, or seven countries in Europe, I am told that the visé fees amount to anywhere from \$50 to \$100.

Mr. COOPER. Suppose the visé fee was made \$2.

Mr. CARR. I do not know that that would satisfy the business men because they not only complain about the fee, but about the amount of trouble they have to go to in obtaining the visé.

Mr. FAIRCHILD. That sometimes causes delays that become very serious. Is not that true?

Mr. CARR. Yes, sir. I should preface anything I have to say on this subject by this statement: That the attitude of our department is that subject to whatever Congress thinks is necessary in order to administer successfully the present immigration law, it would be desirable to get rid of obstructions to travel such as visés. Now, Congress may not think it wise to discontinue visés entirely upon passports of nonimmigrant travelers. The President could, under the old law of 1918, do away entirely with the requirement of visés for nonimmigrant travelers; but, in view of the legislation that has followed that law, and in view of the fact that Congress has passed a new immigration visé law, and also in view of the fact that the question of the enforcement of the immigration law is involved, the President, I think, feels that he would not want to act in that matter independently of Congress.

Mr. BEGG. Would it be possible for a separate office, or a separate window, than this to be established for the purpose of business men, so that they could expedite action on the visés of business men? Could that be done without any legislation? I can not answer that, because I have never had any experience with it.

Mr. CARR. I think there is very little delay encountered at our consulates. The complaints that we get are not on account of delays at our consulates, but on account of the delays in the consulates of other countries. I think that Mr. Johnson will bear me out in that.

Mr. JOHNSON. They complain that they are waked up in the middle of the night when they are about to cross the border line, or

when they are about to pass from one minor country to another. They are waked up in the night to get their passports viséed. Usually the fee is equivalent to what we charge them for viséing passports to this country.

Mr. COLE. Do you not think that our travelers over there for pleasure or business had better endure that inconvenience rather than throw our gates wide open to those hordes of people who are trying to come here?

Mr. JOHNSON. Of course, the human cry is ever present, and we come in contact with that everywhere. It would be the same in making physical and mental examinations at the United States consulates, or in examining immigrants overseas. We would have protests from those countries, just the same as you would have here if a citizen of the United States who was going into Mexico were stopped in his own country, at El Paso, was stripped there, and had to stay there for ten days to have his clothes boiled. Our consulates were not set up to make those physical examinations, so we adopted the nearest approach to it, which was by filling out a questionnaire in the presence of the consul. That required a pretty rigid examination. For instance, here is a man who appears at the consulate with his family of five children, and they are all right, with the exception of one who is a moron. The consul says, "All of you can go except this girl." Then the man tries, or he does not try, to come. He may remain with his whole family.

If we eliminate that provision, the law is of no effect. In every country, with the possible exception of the so-called Scandinavian countries, the number of applicants are many times in excess of the possible number of visés. During the first month in Germany there were enough to more than exhaust the quota for four years. In England, right around London, they stood in line for 10 days and nights to obtain quota numbers. They were not people from Scotland who were entitled to quota numbers, but they were people from right around London. It is the same way in Austria and Italy. In Italy the applications at the beginning outnumbered the quota openings by from 250,000 to 300,000 men and women—mostly men—with the amount of money required for transportation ready; all trying to get the limited number of visés are available for Italy.

Mr. CONNALLY. Is not the provision for visés the only efficient check that you have overseas?

Mr. JOHNSON. It is the only check. It is my opinion that the visé provision is the most important protection that we have against that movement of distressed people from Europe.

Mr. TEMPLE. You spoke of the complaint because of the waking of people in the middle of the night when they came to boundary lines: Could they not avoid all of that inconvenience by having the passport viséed by the consular representative of the country to which they are going. For instance, a man leaves the United States, say, for Italy, or some other country. Could he not get his passport viséed by the consular representative of that country in advance?

Mr. COOPER. Do you mean in this country?

Mr. JOHNSON. A business man could do that; but, apparently, the people visiting Europe fail to comprehend the necessity for that.

Now, we have had some border legislation, and in that we were helped by the State Department. It has been a source of satisfaction to me to see the United States Consular Service built up. Congress has been willing to do that, or the Members of Congress have shown a willingness to have that service built up, and that willingness is very largely due to the fact that it is self-supporting. I have forgotten the exact figures, but a few years ago there was something like \$4,000,000 of income on account of the Consular Service over and above its expenditures.

Mr. CARR. There was an income from that service alone of \$1,500,000 over its entire expenses last year.

Mr. JOHNSON. I am proud of the fact that our Consular Service is being so well built up. The Rogers Act has general indorsement, because it does put the whole Consular Service on the highest possible plane. Here we are with an enormous public debt, and there is a general desire on the part of the people not to pay direct taxes, but here is an income-producing business, and it is objected to by those who have to pay large taxes. It bears upon those who are best able to pay the tax.

Mr. COOPER. The objection is from those who are best able to pay.

Mr. JOHNSON. The travelers to Scandinavian countries, or people who visit one or two countries, have not protested much against the \$10 fee for the visé, but the complaints come from people who want to go to France, Italy, Rumania, and many other countries. It comes, perhaps, from the globe-trotters. I think it is due, in part, to the fact that the steamship companies are transforming their steerage quarters into second-class quarters and making them pleasant—or they are so advertised. They do that because they think there will be a great deal of European travel.

Mr. COLE. Mr. Johnson uses the term "globe-trotters," but there are large numbers of globe-trotters who are not wealthy people. A large portion of them are school-teachers. They go to Europe as a part of their education, and every dollar counts with them.

Mr. CONNALLY. Let us make an exception in the case of school-teachers.

Mr. FISH. When it comes to the question of the financial end of it, it is not designed to reduce the fees except by a reciprocal arrangement. It has been stated that we have a surplus from this source now of \$1,500,000, and we should bear in mind that they make 20 times as much from our people who are traveling in European countries as we get out of the nonimmigrant classes.

Mr. BROWNE. If a person going through a country stays in it for only 24 hours, he does not have to pay more than \$1 for his visé fee, does he?

Mr. JOHNSON. I think you will find this to be the case——

Mr. CARR (interposing). Our information is that the visé fees in many of the countries are quite as high as ours.

Mr. BROWNE. The fee is not \$10 where they remain only 24 hours? I understood that if you were a country for only 24 hours, the visé fee was not to exceed a dollar or two dollars?

Mr. CARR. That is something I had not known about.

Mr. FISH. I think they have to pay the full \$10.

Mr. MOORES of Indiana. Let me tell you this story: A friend of mine who visited a cousin of his sent me his passport to be viséed.

He expected to go right straight through to the home of his cousin in the Polish corridor, but the visé fees amounted to \$65. This man did not go to England, but he went to France and through the other countries on to the Polish corridor. The German visé charge was \$10, and when he got to Berlin he found he had to pay \$10 more. He said he lived in east Prussia, and he had to pay \$10 more to go to the Polish corridor. It took me a whole day to get it fixed up.

Mr. JOHNSON. In addition to the passports required in European countries, there are some other fees that have to be paid. For instance, if a man were in a certain European country and desired to go into some outlying part of that country, he has to see a magistrate and pay some sort of fee, the most of which he knows goes into the pockets of the magistrate. Of course, we can not regulate those things.

I believe that the general migration of Russians is still very heavy. They are going into other adjacent countries, and are permitted to stay there temporarily. All of these seem to be waiting for an opportunity to get out, and the only place they seem to apply to get out to is the United States of America. It is evidence to my mind that if you strike out the passport visé provision you will have an avalanche of those people.

Mr. CONNALLY. Who would determine whether they were non-immigrant aliens?

Mr. JOHNSON. Without the visé, that could not be determined.

Mr. CONNALLY. For instance, a person presents himself and has no visé, and he is asked, "Why do you not have a visé?" He says, "I am not an immigrant alien." It seems to me that it would break up your whole machinery.

Mr. JOHNSON. It would, so far as having the examination abroad is concerned.

Mr. CONNALLY. Would it not very seriously interfere with it, and would not nonimmigrant aliens fill up Ellis Island? Would we not have to pass on all of those questions here, instead of on the other side?

Mr. JOHNSON. Yes.

Mr. CONNALLY. I was overseas last summer and called at several of the consulates. I found that this immigration business was working out very fine, because they were not granting the visés until they had looked into the cases. Those that did not get visés, did not come, but they stayed right there where they were. Of course, that serves to relieve the congestion and pressure at Ellis Island. For instance, I was in the consulate at Marseilles, and found that they had a regular division of the consular office, with a staff of four or five men in it, assigned entirely to this work of viséing the passports of immigrants. The system was working as regularly as clockwork. They had a district over which they had jurisdiction, or a district for each department, and they prorated the number that would be allowed for each department. If a man lived in a certain part of the country, he had to wait until his turn came, and if the quota was filled up before he got there, he did not come. I think it would be very unfortunate to interfere in any way with that system until it has been given a fair trial.

Mr. COOPER. The most serious objection to the present immigration law arises from the separation of families sometimes. For instance, I know of a case where a woman had her passport viséd because she came under a preferential class, being the mother of an American citizen, while her sister, 13 years of age, was refused a visé.

Mr. JOHNSON. The minute you begin to afford relief by letting in side or collateral relatives you ruin the whole system. For instance, that sister may be married, or she may be a widow with a child. We have gone into all of those matters, and have gone as far as we safely could. Now, prior to the new law, we found that most of them came out with passports or near passports, and we found that literally, under the passport law, the consuls could not refuse to visé passports. In some countries, like Poland, the congestion was so great that the local officials were knocking the standing lines down in some places and then charging people to get a place in the line.

Mr. COOPER. That was a terrible case of separation.

Mr. BEGG. But it was voluntary. They could remain——

Mr. JOHNSON. Let me remark right here: You spoke of a woman's sister—a minor child 13 years of age—being refused admission, but just as much could be said for the old grandmother. There is demanded for admitting many times the number of relatives that should be admitted. Of course, there is always great clamor for some relief legislation. You would have to admit the whole list of cousins, brothers, brothers-in-law; and cousin in Europe means all Europe.

Mr. TEMPLE. I had a peculiar case to come to my attention. It was that of an alien who had established a domicile in this country and had gone back to Europe on a visit. She gave birth to a child over there, and while she could come back with her three-year old child born over here, she had to leave her newborn baby over there.

Mr. JOHNSON. I believe that regulations could reach cases of that kind. The Labor Department may feel that they can not do it, but I think it can be done. We have had numerous cases like that brought to our attention.

Mr. TEMPLE. She would becoming back to an unrelinquished domicile.

Mr. COOPER. Mr. Begg observed that that separation of the family was voluntary, but it was not voluntary in one sense of the word. The father was living when this young man came over—he came over during the war—and his father was killed, leaving the mother a widow. This little girl, who was then a child, has grown up to be 13 years of age, and the mother is, of course, unable to take care of herself and the child with any degree of comfort. This boy in the meantime has become a naturalized American citizen and a fine fellow. I know him very well. He has a fine place to work and he has laid up from five to eight thousand dollars. He receives a salary of \$1,800, and his mother could come here and live with him, but she refuses to leave this helpless little girl. It is not a voluntary separation, but it is a cruel separation.

Mr. COLE. They would unite the family on the other side.

Mr. COOPER. It is a most regrettable situation.

Mr. JOHNSON. I receive hundreds of letters about those sort of cases.

Mr. COOPER. But that does not make a wrong right.

Mr. JOHNSON. If I were to print all that I have received along that line, as chairman of the Immigration Committee, it would fill three or four volumes.

Mr. COOPER. It strikes me that a man who is receiving \$1,800 and is an American citizen should not be asked to return to one of those war-stricken countries to take care of his mother and sister. In all probability he could not secure any remunerative employment there.

Mr. JOHNSON. There are thousands of Europeans who are convicted of crime awaiting the opportunity to come here, and looking for loopholes to enter.

Mr. BEGG. It is impossible for this family to be reunited under the law? What is the matter with the girl?

Mr. COOPER. Nothing at all. She is not admitted simply because she does not come within the preferential class.

Mr. BEGG. Could she come under the quota clause after a number of years?

Mr. COOPER. I understand there are five times as many applicants in Germany as can come under the quota provision.

Mr. JOHNSON. The consuls are giving preference to the most appealing cases, such as this. Never in our time will we be able to write a perfect immigration act. That is hopeless; you simply can not do it. You will never be able to get within a bill proper provision for the hundreds of things that excite tremendous feeling and sympathy and that you would like to make provision for. We have from the State Department the statement that there are literally 2,000,000 persons standing in line in Russia and Europe to get into the United States.

Mr. COOPER. I am not opposed to any reasonable restrictions on immigration. I know that I have always been that way, and that idea has been confirmed in me by statements made by the State Department here. I think it was in the summer of 1922, when I was up there, that I was told that there were at that time 43,000 more applications for visés of passports than they could honor at that one office, at Warsaw, Poland.

Mr. JOHNSON. There are from 35,000 to 50,000 European people in distress now in Cuba, having gone there in the belief that by taking one more step they could get into the United States. The Immigration Committee is in session this morning hearing the steamship people on the proposition of keeping mala fide seamen from coming in as sailors and remaining here. They come ashore to go into the basements of hotels and restaurants until they get a chance to become lost in the population.

Mr. COOPER. Could not the law be so amended as to prevent steamship companies from engaging in those fraudulent practices?

Mr. JOHNSON. That is the thing we are working on now. The question is whether we can keep them on the ship under a bond. That is a violation of the La Follette Act.

Mr. TEMPLE. Those that go to Cuba may travel on vessels that do not touch at any American port at all. We have no way of reaching them.

Mr. JOHNSON. The Mexican border is also filled with Europeans who are anxious to get in.

Mr. COOPER. Doctor Temple suggests that there is no way by which we can reach a ship whose agents have fraudulently induced people to leave European countries for Cuba under a promise that they can come from there into this country. Now, we have absolute control over interstate commerce and over commerce with foreign countries. Our control over such commerce is absolute, and, therefore, why can we not inflict a penalty upon any ship or its owner doing that sort of thing, by providing that any steamship company or the agent of any steamship company authorized to act for it, who makes fraudulent representations to immigrants coming from Europe or from any country in the world, to the effect that they can go to Cuba or any other country, and come directly from there into this country, shall be refused access to our ports forever afterwards. We have that authority and we ought in justice to ourselves to enforce a penalty of that kind against any steamship company that will inflict that kind of torture, because it amounts to torture, upon those distressed people.

Mr. BEGG. How could you prove your case against the steamship company?

Mr. COOPER. They do it.

Mr. JOHNSON. That is the very question we have up with them in our committee to-day.

Mr. TEMPLE. Some of those vessels do not touch at American ports at all.

Mr. JOHNSON. I have seen Mr. Fish's amendment as it has been worked out, and my firm belief is that you should study the old passport law a little bit before taking action. If I remember it correctly, that law placed the power to end this matter in the President. Congress amended that law after the war, giving the passport functionary the right to refuse passport visés only in certain cases, anarchists and the like. There was no right given to refuse the visé of a passport to any except to anarchists. The President at one time could by proclamation do away with the visés altogether. I believe that this committee would be doing a great thing by rewriting that law and make certain that visés shall be required. Of course, you could cut the fee down——

Mr. CONNALLY (interposing). Why should we cut the fee down?

Mr. JOHNSON. Of course, you will use your own judgment about that.

Mr. CONNALLY. Why should we reduce it?

Mr. JOHNSON. Assuming that a fee of \$1 is proper for the registration and \$4 for the other service, you would have a fee of \$5. and that would probably make it self-supporting. Of course, these people know when they appear before the consuls that the immigration law requires the consuls to examine them. The consuls do not allow the men to take those blanks home and fill them out, but they must sit down with the consul, or his assistants, and undergo the examination. I think the time required averages 40 minutes per man. Secretary Davis and others in authority, in fact, practically everybody, both in the Department of Labor and the State Department, say that for weeding out the inefficient and inadmis-

sible people, the thing works like a charm. The results so far have been good; so good, in fact, that public attention is now centered on the situation at the Mexican and Canadian borders.

As you know, before we adjourned last June, Congress made an appropriation of \$1,000,000 for setting up the border patrol on the Canadian and Mexican borders. Now, after 6 months' effort, they are getting it on a good working basis. This border patrol represents the United States on both borders not only in the enforcement of the immigration laws, but, also, in the carrying out of other laws, such as the quarantine laws, health laws, customs laws, etc. In my opinion, it will be only a question of time when the border patrol becomes recognized as the patrol for the enforcement of all the laws of the United States along the border. If they were not built up as an organization in that way, there would be a question of dispute as to which department should control in the enforcement of the law. It is going to be a highly efficient thing. They will keep out diseased men, crazy men, prevent liquor smuggling, and will enforce generally all such laws and regulations along the border. Now, gentlemen, I would hate at the very inception of the law, or 6 months after the beginning of the quota law under the new immigration policy, which is based upon the visé of passports, to see the visé requirement stricken out.

Mr. FISH. Mr. Chairman, I believe in the restriction of immigration, and I do not want to help to provide any loopholes in the law. I have, therefore, amended the bill, or introduced a new one, that would not permit the President to do away entirely with the visé requirement. It simply gives the President power to reduce the fees to be paid for the visé, or to even eliminate the visé fee entirely, as to the nonimmigrant class, but the immigrant would have to have a visé to get into the country.

Mr. CONNALLY. This provides, "that nothing in this act shall be construed to deprive the President of the authority conferred upon him by the act approved May 22, 1918, and the act approved March 22, 1921, to discontinue altogether the requirement of viséd passports as a condition to the entry into the United States of aliens."

Mr. FISH. A distinction should be drawn between doing away with the visé and requiring a fee for the visé.

Mr. TEMPLE. The President is authorized under this to reduce such fees or to abolish them altogether.

Mr. CONNALLY. This is not clear.

Mr. TEMPLE. In the last three lines he is given authority to discontinue altogether the requirements of passport visés as a condition to the entry into the United States of aliens.

Mr. CONNALLY. There is a gentleman here from the Immigration Bureau who wants to be heard.

Mr. FISH. I want to briefly explain this amendment. I agree with Mr. Johnson, and it is because of that that I want to offer this amendment. I have stricken out of the bill the authority to waive the visé altogether. That brings us down to the question of whether we should proceed to give the President authority to authorize it or to reduce the visé fees.

Mr. FAIRCHILD. Why do you retain the proviso which extends the authority that is conferred by these existing acts?

Mr. FISH. The last four words are stricken out.

Mr. FAIRCHILD. Under this proviso you retain the present law. Why do you carry this proviso that retains the present law? If there is objection to giving the President authority to do away with the visé altogether, and there is such authority in the present law, why do you continue it here?

Mr. COLE. Why not leave the law as it is and simply reduce the fee?

Mr. FISH. That is practically the same thing.

Mr. FAIRCHILD. I do not see why you carry this proviso.

Mr. FISH. This matter will probably take some time, and another meeting of the committee will be necessary. The main thing that I want to impress upon the committee now is that I agree with Mr. Johnson that we should not do away with the visé requirement, because if we did there would be a loophole. If we should reduce the fees for visés, or waive the visé fees altogether—

Mr. COLE (interposing). You mean that we should reduce them reciprocally, provided the other countries reduced their fees. In other words, the main thing you are after—

Mr. FISH (interposing). Is to reduce the fees for the visés.

Mr. COLE. That is the main thing we are after for our travelers.

Mr. FISH. Let me get this straight before you. This applies only to the nonimmigrant class, and there are about 50,000 nonimmigrants who come into this country annually. They pay a visé fee of \$10, those 50,000 nonimmigrants paying in about \$500,000 in fees. The fees coming in from immigrants, who number about 250,000 a year, represent, of course, a much larger sum.

Mr. CONNALLY. How will you determine who is an immigrant and who is a nonimmigrant?

Mr. FISH. The nonimmigrants are in an entirely different class.

Mr. CONNALLY. But who is to decide in what class they are?

Mr. FISH. The immigrant must have a visé in order to come in. I am not proposing to waive that at all.

Mr. TEMPLE. Under the present system no distinction is made between the immigrant and the nonimmigrant as to the amount of fee, but they are classified as immigrants and nonimmigrants.

Mr. CONNALLY. All of them have to have passports, and if you exempt some of them—

Mr. FISH (interposing). The passport of everybody now under this provision must be viséd. This is simply a question of fees. Only about 50,000 people come to this country annually for travel purposes, or as tourists, and that means about \$500,000 revenue from that source, whereas we spend something like \$2,500,000 or \$3,000,000 in visé fees in Europe. Travelers from the United States to Europe pay a great deal more in fees, because we send 200,000 or 250,000 travelers to Europe every year, and they spend on an average about \$10 for these fees.

Mr. BEGG. Why would it not be the right way to get at this matter, if the committee is of the opinion that the visé fee should be lowered, to draw a resolution reducing the fee from \$10 to whatever figure you want? Why would it not be better to do that than to take chances on amending the law? There seems to be a good deal of question in the mind of everybody here about the wisdom of that.

Mr. FISH. A great many countries will not reduce the fee at all.

Mr. BEGG. You could provide in your resolution for a reciprocal arrangement.

Mr. FISH. There would be no harm in doing that, and that is practically what this bill provides. That is just what this bill does, or that is what it is meant to do. Of course, I do not want to see any loopholes placed in the law.

Mr. FAIRCHILD. Is there any reason whatever for continuing the present law, which does leave it to the discretion of the President as to whether he will discontinue the visé provision altogether?

Mr. CARR. The best answer I can make to that is this: By his recommendation to Congress that this matter be given consideration, the President himself has waived his authority to abolish this visé requirement. The reason for that is that after Congress enacted the law giving him the discretion to require or not to require viséed passports from aliens visiting this country, according to his conception of the public interest, Congress then enacted another statute fixing the fees for visés at \$9 for the visé and \$1 for the application. From the discussions on that provision it was perfectly apparent that one of the purposes of the law was to obtain revenue from visés, and the fees actually produce a large revenue, \$3,700,000 in 1924.

Then, Congress passed the immigration law of 1924, in which it prescribed an immigration visé system for immigrants, but left the nonimmigrant visé system in force. The President's power now is limited to dealing with the nonimmigrant visé question, Congress having taken the immigrant visé question out of his hands. He feels reluctant to take steps to abolish nonimmigrant visés because of the interest of Congress in this question, and he, therefore, submits the matter to Congress for such disposition of it as may appear proper. He hopes, however, that he may be given wide authority to regulate nonimmigrant visé fees in order that foreign governments may be induced to lower or waive fees for visés granted to American travelers.

Mr. FAIRCHILD. In the practical working of the system under the State Department, are there any instances where it would be desirable to have the discretion to dispense with the visé altogether.

Mr. CARR. Of course, in the opinion of the State Department it is desirable to get rid of all obstructions to freedom of travel as far as is consistent with our own laws and our own policies. We have in the State Department as yet devised no plan of procedure, if you should empower the President to discontinue visés altogether.

Mr. FAIRCHILD. That authority is given in the present law.

Mr. CARR. Yes, sir; but the President does not care to act without the affirmative approval of Congress.

Mr. CONNALLY. Mr. Fish suggested the advisability of simply lowering the visé fees under reciprocal arrangements, leaving the other provisions of the law intact. Is it probable that, if we charged immigrants from foreign countries a visé fee of \$10, they would reciprocate with us and reduce the fees as to nonimmigrants? Is it probable that they would reciprocate with us so long as we maintained the fee of \$10 on immigrants from those countries?

Mr. CARR. I am inclined to think that they would agree to lower visé fees, knowing well that it is not your policy to reduce the fees for visés for immigrants.

Mr. CONNALLY. Would they not say, "We will not reduce our fees to visitors from the United States if you still charge immigrants \$10"?

Mr. CARR. I am inclined to think that they would be willing to make concessions.

Mr. CONNALLY. Why?

Mr. CARR. Because they want our people to come over there, and they want their business people and tourists to come to this country. I think you would find those Governments disposed to agree to concessions? If they could not get our visé fees reduced or abolished on all travel, I think they would be willing to agree to reduce or waive fees for visés granted to travelers for business or pleasure.

Mr. CONNALLY. Do you think that a single business man from the United States, or any foreign business man, has been deterred from making the trip across on account of the fees.

Mr. CARR. I think that few, if any, business men have been deterred, but they have complained.

Mr. CONNALLY. They would complain if you charged them a fee of 50 cents. Business men would complain at that.

Mr. CARR. We had a letter from a member of Congress who protested quite vigorously against the visé system fees. He said that they cost him \$75 or \$100.

Mr. MOORES of Indiana. Why not reduce these visé fees to \$2? We would be getting a visé fee of \$10 from the immigrants. If we should reduce these fees to \$2, it seems to me that it would meet the situation and it would not offend any foreign Government, because they have never complained about the head tax on immigrants. I think this whole thing would be held a violation of the Constitution of the United States, if the steamship companies wished to bring it up, because whenever these charges exceed the cost of the service, the excess becomes a tax. It becomes a per capita tax, and under the Constitution it must be laid in proportion to the population. I think it is absolutely unconstitutional.

When you charge a tax of \$10 for a passport, and it costs \$2 to issue it, or, at most, \$5, why not make the fee \$5? If the cost does not exceed \$5, it is not within our power to put on the other \$5.

Mr. CONNALLY. The law does not require him to take out a passport. He can remain where he is.

Mr. TEMPLE. This bill does not propose to reduce the fees on passports issued in the United States to American citizens, but to reduce the visé fees.

Mr. MOORES of Indiana. I understand that.

Mr. TEMPLE. It proposes to reduce the visé fee on passports issued to persons who visit foreign countries.

Mr. MOORES of Indiana. I do not think we would do any harm if we reduced the visé fee to \$2 all around, on immigrants and non-immigrants.

Mr. FISH. If you reduce the fees all around, you would take away revenue coming from immigrants who are coming in, amounting to something like \$1,000,000 a year.

Mr. COLE. We could debate this question a week or two without reaching a conclusion. Would it not be well to suggest that Mr. Carr, who knows the opinions of this committee, in connection with

the legislative drafting service, draft a simple measure that will cover this whole ground and submit it?

Mr. FISH. That is the bill that has been drafted and is before the committee this morning.

Mr. COLE. But it is already in dispute.

Mr. FISH. This was drafted by Mr. Carr, and, I think, Mr. Beaman assisted him.

Mr. COLE. I think that Mr. Carr would do it much better if he sat down in his office and did it.

Mr. CARR. Along what lines would you like to have the bill drawn?

Mr. COLE. Make it a simple proposition, leaving the passport laws as they now are.

Mr. FISH. That is what we have done.

Mr. COLE. We do not seem to agree that it does it.

Mr. FAIRCHILD. We have not been discussing this bill at all.

Mr. CONNALLY. I suggest that we hear this gentleman from the Department of Labor.

Mr. BEGG. Do you not think that Congress should say how far the reduction ought to go?

Mr. CARR. Just as you please.

Mr. BEGG. I certainly would feel that way about it.

Mr. MOORES of Indiana. He must dicker with foreign countries and he must have something to dicker on. If we tie his hands, he can not dicker.

Mr. BEGG. He certainly can dicker between a fee of \$10 and the minimum fee.

Mr. CARR. It is for Congress to fix the limit.

Mr. BEGG. And leave it to the State Department to carry out.

Mr. COLE. Suppose you take the old law and change the amounts.

Mr. TEMPLE. Would not this language, "*Provided*, That nothing in this act shall be construed to deprive the President of the authority conferred upon him by the act approved May 22, 1918, and the act approved March 2, 1921, to discontinue altogether the requirement of viséed passports as a condition to the entry into the United States of aliens," serve to revive those portions of the laws that have been repealed by implication by the immigration law?

Mr. BEAMAN. If I may make a statement in this connection, I think it might clarify the situation. During the war, on May 22, 1918, Congress passed an act declaring that at any time during a state of war, whenever the President thought it desirable or necessary in the public interest, he could impose conditions and restrictions in addition to what the law already provided. Then it provided that no alien could come into or go out of the United States except under the conditions and limitations imposed by the President.

Then, the war having ceased, Congress on March 2, 1921, incorporated a little paragraph in an appropriation bill to the effect that that act, in so far as it related to the passport visés of incoming aliens, should be continued until Congress otherwise provided. It is necessary to a clear understanding of the situation to remember that there is no law of Congress providing that an alien must have his passport viséed, except that act of 1918, and, as it stands, it is

entirely in the discretion of the President as to whether or not he shall require a passport at all, or, if he required a passport at all, whether he should require the passport to be viséd. The next step was when Congress passed the act of 1920, which simply says that the fee for executing the application for a visé shall be \$1 and that the fee for the visé of the passport shall be \$9. In my judgment, so long as the President under these other acts requires the visé of a passport, then, and in that event, under this last cited law, he must collect a fee of \$10 out of the alien. However, it leaves the President entirely free to abolish altogether any passport or any visé of a passport. If there is no passport to visé, then, obviously, there is nothing as to which a fee may be collected.

Now, you are up against this situation: Here you have a demand from the business interests of the country which, I understand, is indorsed by the State Department, to leave it to the President to fix the fee despite the act of Congress fixing the fee at the sum of \$10. That demand is to leave the President free to reduce that fee, or to abolish the fee entirely in the case of travelers for business or pleasure, to the extent that he deems such action desirable, and to the extent that other countries will grant reciprocal privileges. Now, assuming that you pass the bill introduced by Mr. Fish, simply authorizing the President to reduce the fee, he would still have the authority under the old law, which this bill would not affect one way or the other, to abolish the passport entirely or the visé of the passport entirely.

The question of policy is: Shall you leave that situation exactly as it is—that is, that the President may at any moment, if he so desires, abolish the visés on passports of nonimmigrants entirely, or shall you put something in this law which renders it certain as a legal proposition that he has the right in view of the fact that some fear that he may not have it, or shall you go to the other extreme and not only take away authority to waive visés to passports, but affirmatively write into the law that which is not in the law, an express statutory provision that no alien coming here temporarily for business or pleasure shall be admitted unless he has a passport which passport has been viséd. The connection of the immigration act of 1924 to the matter is this: That act provides that an immigrant coming here must get what is called an "immigration visé" which consists of his application made therefor to the consul, sworn to before the consul, and when that application has stamped upon it the visé of the consul the document becomes what is known as the "immigration visé." The Immigration Committee, at the time of passing that bill, considered at great length the connection of that matter with the passport and had it written three or four different ways, and the bill finally emerged from conference in such shape that it left untouched the law as to whether or not passports should be required or visé to passports required, and all it did say was this, that so long as an immigrant alien was required by law—any future law—or by regulations of the President under the existing law, to have a passport and visé on that passport, then in the case of an immigrant alien no other visé on the passport should be required than this known as the "immigration visé." The situation, then, is that a man coming here as an immigrant must have an immigration visé and as long as the President chooses to require it, also have the passport

under the law which expressly says that even if he has that passport he shall be required to obtain any other visé on that passport than the immigration visé.

Mr. TEMPLE. Who determines under that express provision whether the alien is an immigrant or not?

Mr. BEAMAN. In the first instance the consul; in the last analysis the immigrant inspector.

Mr. TEMPLE. He has also to apply to the consul for visé.

Mr. BEAMAN. Yes. You will get a clear understanding of it by working it backward. For instance, suppose I present myself at Ellis Island. The law requires that every immigrant must have the immigration visé. They say, "Where is yours?" I say, "I have not the immigration visé; I am a nonimmigrant." They say, "All right, where is your viséed passport?" I say, "Here it is." They say, "All right." They question me, and in the course of the questioning the immigration authorities come to the conclusion that despite the action of the consul in giving me a visé for travel or business, nevertheless I am not a traveler for business or pleasure but more truly an immigrant, and order me excluded; the Secretary of Labor decides against me and out I go. The real idea of the immigration act is to leave the authority, after the examination required by law has been complied with, in the consul on the other side who has a chance there to examine the immigrant or use any other means he may desire, to weed out from among the classes of applicants those clearly inadmissible under any circumstances and those who, if admissible, come in a certain category.

Mr. TEMPLE. It is not the visé; the nonimmigrant alien does not have to go to the consul; but that case would be determined altogether by the immigration authorities on this side.

Mr. BEAMAN. Yes.

Mr. TEMPLE. That would open the door and throw an additional burden on the immigration authorities here.

Mr. BEAMAN. The Immigration Committee comes in here and their feeling is that under the old quota act when you came over here and out you went if in excess of the quota, there was a hardship in people coming here that were inadmissible and had to go back. The feeling of the Immigration Committee, as far as possible, is to require a man before he starts to appear before somebody and talk the matter over and find out the facts. That reaches just so far and you are getting away from those cases of hardship. Suppose Congress passes a law doing away with visé passports in the case of travelers for business or pleasure, or suppose you leave the law so that the President can do it; suppose he provides that no traveler for business or pleasure needs a passport; suppose I start from France, England, or any other country, believing in perfect good faith that I might come over here on business or pleasure and come within the category of that section of the law as interpreted by the United States authorities. I do not need any passport, do not go near the consul. The moment the ship lands at Ellis Island, again they say, "Where is your immigration visé?" "I say I do not need one." "Why?" "Because I am a traveler for business." They examine me, and in the course of the examination it is disclosed, or they are satisfied, that despite my good faith, I am

not traveling for business or pleasure. Back I go and set up a big halloo. The Immigration Committee feels that all of this might be avoided if I went to the consul on the other side, and if it appeared to him and to officials at Ellis Island that in the circumstances I was really not coming on business or pleasure, he might say, "I am sorry; I can not give you a passport; I have no authority to keep you from going, but if you go you have to get an immigration visé because you are an immigrant," and then I would not start, knowing I would not get in.

Mr. TEMPLE. Under the present law all aliens do have to go to the consul to get visés.

Mr. BEAMAN. That is my understanding, except in certain cases in which the President has acted under his authority and refrained from requiring viséed passports of aliens coming from contiguous countries.

Mr. TEMPLE. Such as Canada and Mexico. That exception is made in the law.

Mr. BEAMAN. No.

Mr. TEMPLE. I thought the law only applied to noncontiguous countries.

Mr. BEAMAN. The act of 1918 is without exception at all.

Mr. TEMPLE. I mean the immigration law.

Mr. BEAMAN. You are speaking of people coming in from contiguous countries as nonquota immigrants. The President has nothing to do with that.

Mr. TEMPLE. But the law has.

Mr. BEAMAN. As to nonimmigrant aliens, nobody needs passports viséed except in so far as the President requires.

Mr. TEMPLE. The immigration law is based on the supposition that he will require it.

Mr. BEAMAN. He always has.

Mr. TEMPLE. The question arises whether the immigration law by making that assumption does not by implication repeal the discretion the previous laws gave.

Mr. BEAMAN. I think not, because the immigration law, as I said, very carefully provides it.

Mr. TEMPLE. The law is not intended to exclude all immigrants. The law is intended to work the way it does, and I think under that immigration law the assumption is that the President will not exercise the authority that previous laws had conferred upon him to wipe out visé requirements by implication.

Mr. BEAMAN. I will read you the language. The language was very carefully put in at the desire of the State Department:

(d) If an immigrant is required by any law, or regulations or orders made pursuant to law, to secure the visé of his passport by a consular officer before being permitted to enter the United States, such immigrant shall not be required to secure any other visé of his passport than the immigration visé issued under this act * * *.

Mr. CONNALLY. It recognizes the law rather than repeals it.

Mr. BEGG. It recognizes the regulation of the President.

Mr. TEMPLE (reading):

If an immigrant is required by any law, or regulations, or orders made pursuant to law, to secure the visé of his passport by a consular officer before being permitted to enter the United States, such immigrant shall not be required to

secure any other visé of his passport than the immigration visé issued under this act.

That implies this act does not require an immigration visé.

Mr. BEAMAN. The act does, yes; there is no question about that.

Mr. TEMPLE. To that extent it repeals the President's authority to do away with any kind of a visé.

Mr. BEAMAN. As to immigrants.

Mr. TEMPLE. Absolutely. If you put this proviso in, you repeal the acts of May 22, 1918, and March 2, 1921, and thereby repeal the immigration law.

Mr. BEAMAN. No, this only empowers the President to control the visé requirements.

Mr. CONNALLY. Why not strike out the proviso and leave it as it is?

Mr. BEAMAN. It does not make much difference whether you put it in or not.

Mr. CONNALLY. If you specify that this applies only to nonimmigrant aliens, you do away with whatever doubt that is in my mind, whether it is in the act or not. This raises a doubt in my mind, and, I think, in others.

Mr. BEAMAN. I think you are far off from considering the matter of words. I think the important question is to settle the question of policy first and when you have that you can approach the matter of the exact language.

Mr. TEMPLE. There is not much difference about the policy.

Mr. BEAMAN. The question is, Shall you leave the situation as it now is, authorizing the President to reduce the fee, or write into the law something which requires passports in every case of nonimmigrant aliens? That is the question.

Mr. TEMPLE. We can certainly leave that to a later meeting as far as that goes.

STATEMENT OF MR. L. V. RUSSELL, BUREAU OF IMMIGRATION, DEPARTMENT OF LABOR

Mr. RUSSELL. Mr. Beaman just referred to the power of the consul under the law. As I understand the law, the consul has no discretion; if a man comes before him and applies for a visé, and is in line for one, he has to issue it. Is that right, Mr. Carr?

Mr. CARR. He has to issue the visé. Are you speaking now of the nonimmigrant or the immigrant alien?

Mr. RUSSELL. No.

Mr. CARR. He has to issue it provided the individual complies with the immigration law, if he is an immigrant, or the regulations if he is a nonimmigrant. He must come within the specifications of the law as properly admissible in the opinion of the consul, otherwise he can not get his immigration visé.

Mr. RUSSELL. I just wanted to call the attention of the committee to several cases we have had recently, one the other day when a gibbering idiot appeared at Ellis Island with a perfectly good visé. It looked to me that the consul did not have any discretion in issuing those things. We have had two or three cases like that recently.

Mr. COLE. Perhaps they were all right when they left.

Mr. RUSSELL. In connection with reducing the fees I guess you gentlemen know that under that act a permit is issued to alien residents of the United States to reenter. We charge \$3 for that permit. If a resident is over on the other side and has not one of these permits he has to go the consul and get a visé of his passport which costs him \$10. There is an inconsistency right there.

Mr. CONNALLY. What do you mean by that?

Mr. RUSSELL. You charge him \$3 and then \$10 to enter.

Mr. COLE. For the same class of individuals?

Mr. RUSSELL. Yes.

Mr. COLE. Does the law require you to charge him \$3.

Mr. RUSSELL. Yes.

Mr. TEMPLE. We have other aliens resident in this country who may go to Canada and come back without getting such a permit. That is, under discretion.

Mr. RUSSELL. Yes; he could do it, but it is best for him to get it.

Mr. FAIRCHILD. Do I understand the \$3 fee is a statutory fee?

Mr. RUSSELL. Yes.

Mr. COLE. That applies only to persons who are in the United States and are here regularly but want to visit their native countries.

Mr. CONNALLY. Returning?

Mr. RUSSELL. Yes; that is right; returning.

Mr. CONNALLY. How long do you issue that permit for?

Mr. RUSSELL. One year. It can be extended from time to time.

Mr. CONNALLY. Can he come back on that without a viséed passport?

Mr. RUSSELL. Yes.

Mr. MOORES. I thought you issued them for two years.

Mr. RUSSELL. No, sir; one year.

Mr. MOORES. I had the impression it was for two years.

Mr. RUSSELL. That was before this new law. If a man had not been away from the United States for longer than two years of course he was entitled to return as a resident. This new law puts it up to them to return within a year or have that permit renewed.

Mr. CONNALLY. That is only in the case of a resident alien?

Mr. RUSSELL. Yes, sir.

Mr. CONNALLY. When he comes back, does he not have to have something more than that to get in?

Mr. RUSSELL. That permit does not insure his reentering.

Mr. CONNALLY. Do they not get a passport as a rule?

Mr. RUSSELL. They get the passports but they do not have an opportunity to get a visé on their return.

Mr. BEAMAN. Is that a regulation of the State Department?

Mr. RUSSELL. No; that is under the new law.

Mr. BEAMAN. The law provides, at the end of this paragraph that I just read, the provision of the law that says that an immigrant shall not be required to obtain any other visé of his passport, than the immigration visé, upon his entering—"this subdivision shall not apply to an immigrant who is relieved, under subdivision (b) of section 13, from obtaining an immigration visé."

Mr. COOPER. What is subdivision (b)?

Mr. RUSSELL. The one that allows a returning alien to come back without obtaining an immigration visé.

Mr. TEMPLE. One that was domiciled in this country who has gone out intending to come back.

Mr. RUSSELL. That really does take the place of the visé or he would have to go to the consul and get one.

Mr. BEAMAN. I should think he would unless the President released him from it. Under this language here, unless the President took affirmative action under the passport law, that person coming back under permit would have to go to a consul and get his passports viséed.

Mr. CARR. No; I do not think so. The President's order about the adoption of that requirement of the alien entering the United States requires that he must present an immigration visé in accordance with the immigration act of 1924, except children born subsequent to the issuance of the immigration visé accompanying parents would not be required to present a document of any kind. Some aliens who have previously been admitted legally into the United States and have departed therefrom and have returned within six months—of this class, those who have not proceeded to countries other than Canada, St. Miquelon, and the Bahamas, etc., are not required to present documentary evidence of any kind.

Mr. RUSSELL. That is right.

Mr. CARR. Those who have been permitted to come other than those I have just named may present in lieu thereof an immigration visé permit to reenter, issued under section 10 of the act.

Mr. RUSSELL. Yes.

Mr. BEAMAN. If Mr. Russell's statement is correct—I am not challenging it—if his statement is a fact it must be that the President has exercised authority given him by the 1918 act to relieve that kind of a man from having passports because the law does not. At the time the bill was written the conferees were under the impression that it would cost \$13, \$3 for the permit and \$10 for the viséed passports.

Mr. CARR. Coming to a nonimmigrant, with the exceptions hereinafter set forth, that they must present passports or an official document in the nature of a passport issued by the Government of the countries to which they owed allegiance, duly viséed by the consular officer of the United States, except persons in transit through the United States to a foreign destination who may go through the United States on a transit certificate issued by the consul.

Secondly, an alien passenger destined to a foreign port upon a steamer approaching a port of the United States may land temporarily under regulations prescribed by the Secretary of Labor without a document of any kind. Wives and children under 16 years of age accompanying the husband or parent are not required to present separate passports, if they are mentioned in the passports of the husband or photographs are attached.

Citizens of St. Miquelon, St. Pierre, and the other contiguous countries which I have mentioned may enter without a document of any kind. Seamen enter on a viséed manifest. Aliens making round-trip cruises by way of an American port in transshipment, where the contract calls for a return either to the original or another American port, require no visés for reentry. Aliens of no nationality; that is, who can not get a passport from their own country for one reason and another, may enter with documents showing their origin

and identity viséed by the consul under the regulations prescribed by the Secretary of State.

Mr. RUSSELL. If a man applies at the immigration station without the visé on his passport or one of these return certificates, you will find out he is excluded; whether it is a misinterpretation of the law, I do not know.

Mr. CONNALLY. That is what the regulation says very clearly.

Mr. CARR. If he is an immigrant, he must have immigration passport or immigrant visé or permit to reenter?

Mr. RUSSELL. That is it.

Mr. BEAMAN. The idea in fixing up this bill by the conferees was that a man who had a permit, who paid \$3 for that, was not relieved from going before a consul.

Mr. RUSSELL. I do not think so. The President has authority to do it, and he has done it.

Mr. BEAMAN. Yes.

Mr. RUSSELL. But they never do it; they do not have to have a visé.

Mr. CONNALLY. The President has authority to do it.

**STATEMENT OF MR. ERNST B. FILSINGER, REPRESENTING THE
MERCHANTS' ASSOCIATION OF NEW YORK AND EXPORT MAN-
AGERS' CLUB OF NEW YORK**

Mr. FILSINGER. Mr. Chairman and gentlemen, I shall take but a few moments to present our ideas on this question. We have already expressed ourselves in a letter to the chairman and to Mr. Fish, to whom we wrote about our views on the matter. We are greatly interested in the subject of passport fees and visés. I speak for the business men represented in the Merchants' Association, which has some six or seven thousand members, many of whom do a large foreign business, and for the Export Managers' Club, who represent between three hundred and four hundred large firms, also doing an extremely large export trade, many of whom have travelers covering all parts of the world. I am speaking, likewise, from my own personal experience, having during the last few years made a number of trips to European and other countries and having had occasion to see for myself the workings of this visé system. We favor anything that will help to free commerce, make trade easier, and that will do away with irritations which this visé system imposes upon business. These impositions in many cases cause delays to travelers and business men who are naturally busy with their commercial affairs. It is unnecessary for me to go into details, but I simply point out in passing such things as this—a business man detained in one country unable to get to the consulate of the other country, perhaps, before closing hours. Such a thing happened to me in Berne, Switzerland, where I wanted to leave one night on a night train and the consul of France, to whom I went 10 minutes before closing time, did not wish to bother with me. He wanted me to remain over until the next day.

In many cases consulates are located some distance away from the business center. A traveler will waste a great deal of time on the street cars, taxicabs, etc. This costs money and takes time that

might be devoted to business. The visé system puts us Americans at a serious disadvantage with our competitors. This I personally experienced when I was in Sweden, Denmark, and Norway selling American goods. Of course, as business men, we pay taxes on profits to the Government. In Scandinavia I was at a distinct disadvantage as regards representatives of houses offering similar goods to mine from Germany, France, and England. In many cases the European countries have done away with visés entirely, and the traveler of an English or French house has no trouble whatever about traveling; he does not have to bother as does an American traveling man to get a visé. Foreign countries charge American travelers the fees equivalent to \$10. This was done in retaliation, because it was the United States that raised the fee to \$10, and naturally because of that foreign Governments are now imposing a like fee upon us. In cases where many countries have to be visited the total fees reach a very substantial sum. Just a few months ago, in the case of noncommercial travelers—my wife and cousin, who went to France, Austria, and Italy—I was compelled to pay \$60, or \$30 apiece for visés. To show you how they regard the importance of these visés on the other side, I may say that my wife reported to me that neither in France, which country she entered through Belgium, nor in Italy was she asked for her passport. We do not feel, since the Department of Commerce is spending so much money very effectively to help American business men to increase their sales abroad, that it is logical or consistent that the visé fee of \$10 should be imposed because it undoubtedly acts as a check on commerce.

In the Merchants' Association and the Export Managers' Club we feel very strongly that the power of negotiating reciprocal arrangements with foreign countries should be left with the President, acting through the Department of State, because we have an idea that they could do a very excellent job in looking after the interests of business men and other travelers while safeguarding the immigration act and providing adequate immigration restrictions.

Mr. COOPER. Reducing the fee to \$2 for a passport or do away with it entirely?

Mr. FILSINGER. Those of us who have studied this matter feel that arrangements can be made or some restrictions can be devised that would safeguard the immigration act. In that case we would favor doing away entirely with passports. This was the case before the war when the only country that required passports was Russia. In every other country in the world you could travel without passports. As business men, seeing how this system works with other countries, we feel that there is no reason whatever why American business men should be handicapped more than the business men of Belgium, France, or Germany.

Mr. BROWNE. Could not you obviate to a considerable extent the inconvenience by going in New York to the various consuls of those countries where you intended to go and have your passports viséed by them?

Mr. FILSINGER. That is sometimes possible. However, it is not always practicable because many travelers who go to Europe receive instructions while there visit countries which they did not intend

originally to include in their list. If I am visiting 15 countries—or if a traveler for a business house has to visit 15 countries he has to lay out, or his house must provide \$150, while the traveler from France, Belgium, or other European countries would have practically nothing to pay.

Mr. BROWNE. I am in favor of reducing it. The only question is doing away with it entirely.

Mr. FILSINGER. We do not think there is any danger in doing away with it entirely.

Mr. FAIRCHILD. If the fees were reduced, then there would be no reason why a commercial traveler, before he leaves New York, should not get all the visés he would need while away.

Mr. FILSINGER. It would certainly be desirable to do that.

Mr. CONNALLY. What were the 15 countries in which you had to do that?

Mr. FILSINGER. I have on a passport something like that number of visés I had to get while abroad.

Mr. CONNALLY. Your wife and daughter did not have to?

Mr. FILSINGER. No.

Mr. CONNALLY. Were you not stretching that when you said 15 countries?

Mr. FILSINGER. When I was abroad that number of visés was necessary.

Mr. CONNALLY. Did you have to go to that many?

Mr. FILSINGER. Absolutely.

Mr. CONNALLY. You had to get 15 on that one passport?

Mr. FILSINGER. Yes.

Mr. CONNALLY. What countries?

Mr. FILSINGER. Sweden, Denmark, Norway, Finland, Germany, Czechoslovakia, Yugoslavia, Austria, France, Belgium, Hungary, Italy, Switzerland, Holland, and Spain.

Mr. CONNALLY. That is 12. You say the Department of Commerce is spending large amounts abroad to help American business men. Is that true?

Mr. FILSINGER. Very effectively.

Mr. CONNALLY. You feel they ought to spend more by giving you free visés, although we charge the other countries?

Mr. FILSINGER. No.

Mr. CONNALLY. You think the consulates and embassies ought to be maintained abroad for the service of American business men abroad?

Mr. FILSINGER. I think in principle that the method that was followed in the year 1912 is just as good now as then, perhaps better; they did not charge anything then.

Mr. CONNALLY. You think we ought to maintain consulates and embassies abroad for the service of American business men free?

Mr. FILSINGER. I think it would be a very good investment, if necessary; I am not sure that they are maintained free.

Mr. CONNALLY. You think that ought to be free, do you not?

Mr. FILSINGER. I think that fees the consuls collect from various sources probably cover the expenses.

Mr. CONNALLY. You think that they ought to be maintained at the expense of the taxpayers?

Mr. FILSINGER. I did not say that.

Mr. CONNALLY. Do you want them to be maintained free?

Mr. FILSINGER. I do not think they are being so maintained.

Mr. CONNALLY. You want them to be?

Mr. FILSINGER. If it were necessary, it would be a good investment, but it is not being done.

Mr. CONNALLY. I know it is not, and that is why you are here, because it is not free.

Mr. COOPER. You think we ought to go to the pre-war practice of 1912? In that year those countries had not been through the hell of war and there was not any such rush of pauperized and distressed people to come to the United States that there has been since, and do you not think that those greatly altered conditions might justify a change in the law to protect this country?

Mr. FILSINGER. It is quite possible. As I said, a study by experts would, I think, result in devising a system of protection, and at the same time do away with this unnecessary handicap in the shape of fees being charged to-day and loss in time in getting visés.

Mr. COOPER. Then it comes to this, that you do not so much object to the passport system as a whole, that is, the granting or requiring of passports, as you do to the size of that fee? If we cut it to \$2, your 15 countries then would cost you \$30. That would not be much. That would be a reduction from \$150 to \$30 for the 15 countries; before you start you could get them all for \$30.

Mr. FILSINGER. There is something besides the money involved; the time required; the irritation, and vexation getting these visés is also a factor. It is rather irritating—I may use that word—to feel that the representatives of our competitors are not handicapped in that way while we are.

Mr. COOPER. Could you not get all the visés there in the city of New York, that is, for every one of those countries? Each one of those countries has a consul in New York?

Mr. FILSINGER. If the traveler started out from New York and knew beforehand where he was going it could be done.

Mr. COOPER. People from Chicago could get them from the consulates. Most of them leave from New York.

Mr. FILSINGER. They might do so, but a man from Fort Worth could not get them at home because there are consuls there only from a few countries. He would have to go to New York and spend several days getting the visés. This might be a serious handicap as well as expense to him. The man from Springfield, Mo., or Kansas City, Kans., where foreign countries are not represented would certainly be at a serious disadvantage.

Mr. COOPER. Some of them have consulates in Chicago; all of them, I guess.

Mr. FILSINGER. I suppose there are a great number of them there.

Mr. COOPER. And I think in New Orleans there are very many.

Mr. FILSINGER. Yes; very many would be there too. A great many of the ships carrying passengers to European countries and to some of the South American countries sail from New York, and for that reason travelers would have to come there and that would entail a stay of several days.

Mr. CONNALLY. I do not want to be too inquisitive, but what business were you representing abroad?

Mr. FILSINGER. Textiles of all sorts, and hosiery.

Mr. CONNALLY. And you were able to sell them over there?

Mr. FILSINGER. We are doing a very large business to-day in certain goods in a great many of the European countries, including the Scandinavian countries, Finland, Holland, even in France.

Mr. COOPER. Is it or is it not a fact that our trade internationally has increased steadily since the war closed?

Mr. FILSINGER. I think it is a fact.

Mr. COOPER. Notwithstanding the passport system, and the difficulty of our exporters and importers in getting those viséed passports. That being true, and there being a gradual extension of trade despite these difficulties in getting these passports, if the fees were reduced making them much less burdensome in a financial way, do you not think that the protection of passports ought to be preserved?

Mr. FILSINGER. I think it could and should be preserved; I am sure of it. I absolutely agree with you on that. There is no doubt of it at all. However, I think it would be possible to work out an adequate system to take care of that feature. I am not prepared to say at this meeting just what it should be, because that is another problem. From the standpoint of the immigration law, we do consider it possible to devise rules and regulations which would make it practicable to do away with the visés on the part of the travelers for business or pleasure, and at the same time protect the immigration law.

Mr. COOPER. You heard this expert who is the head of the immigration committee, Mr. Johnson, say that without the passports our protection would be impossible?

Mr. FISH. Without the visés.

Mr. COOPER. The viséed passport is of vital importance. The size of the fee he did not consider important, but the visé on the passport he thought was of vital importance under the conditions which now obtain. What do you think about that?

Mr. FILSINGER. It seems to me that it might be possible through some kind of machinery such as recognized chambers of commerce abroad. That would be so in the case of European travelers. In the case of travelers from the United States, they might be certified to by American chambers of commerce—I mean representative business institutions of the United States. This might easily make visés unnecessary.

Mr. FISH. There are two other witnesses, Mr. Frank Page, representing the Chamber of Commerce of the United States, and Mr. Chauncey Snow, manager of the foreign commerce department of the Chamber of Commerce of the United States, also has a statement to make for the national chamber.

STATEMENT OF MR. CHAUNCEY SNOW, MANAGER FOREIGN COMMERCE DEPARTMENT, UNITED STATES CHAMBER OF COMMERCE, WASHINGTON, D. C.

Mr. SNOW. Mr. Chairman and gentlemen, in the Chamber of Commerce of the United States we have heard a great deal from individual business men and from associations of business men

bearing on this matter that is up here now. I would say that in the foreign commerce department there is nothing that we have heard so much about in the way of complaints and business men and business organizations as this matter of passports. The American business man who travels abroad is disturbed over the amount of money he has to put up and disturbed over the vexation and delay that he encounters. Mr. Filsinger has already indicated how this works. The man who has money, the man with means, is not much troubled on the question of the delays and the vexation. The traveler who can afford it can easily have a tourist agency get his visés for him. He does not have to go around and stand in line in the consulate and come back the next day if they are too busy or if he gets there at the wrong time; but the man who can not afford to give that work to a tourist agency or a steamship company suffers from it. I have just received information from a steamship company that runs the Mediterranean cruises. They get visés for the people that take the cruises. They keep a record of the amounts involved. For holders of American passports that took a recent cruise, the average fee was \$36.50 for foreign visés. For the holders of British passports taking the same cruise the average fee was \$5.50.

The Chamber of Commerce of the United States, which is a federation made up of about 1,350 chambers of commerce and trade associations all over this country, and including some 23 American chambers of commerce abroad, heard so much about this that it went on record in its annual meeting of 1922, in a resolution, which reads as follows:

High fees for passports and the viséing of passports are a burden upon the international travel necessary to commerce. However appropriate in war time, the formalities incident to visés and to police control of passports are now an interference with commerce. Our Government should reduce its fees for passports and visés to a reasonable charge for the service it performs. As promptly as possible, our Government should enter into agreements with foreign governments for the reciprocal discontinuance of visé requirements and, when conditions warrant, the complete discontinuance of passport requirements.

I think that is a characteristic statement of the views of business men who have had this trouble in connection with their foreign travel. From the things that have been discussed here this morning, I see the question has come up of the necessary control of immigration. The business men, speaking in this resolution, did not have the immigration question before them. They were speaking from the standpoint of the tourist or business traveler. If the passport fees were removed altogether it would not, as Mr. Fish has indicated, cut down the revenue of the United States from this passport visa source to a very great extent. The big yield of the passport visa is the immigration visé, whether it is the quota or nonquota immigrant.

The difficulty of an American abroad is also a thing that should be considered here. We have many Americans who are resident abroad in the interests of American business. We have such things as this: They can get visés for a given time, at present. Suppose their American passport expires in the meantime; then though they may had a prior visa, within a month, for travel and that visa would ordinarily have eleven months to go, if the American passport

expires, then the visa expires and they have to do it all over again and get the visa from the foreign country. Mr. Filsinger has mentioned the vexation of seeing a foreign competitor relieved of that thing, and that is a material element. In England a man can get a passport for \$1.75. That passport is good for five years and you can renew it at the end of five years on the payment of \$1.25. The holder of a British passport to-day can travel very freely in Europe without any visa at all. That is the situation where the American over there who goes over there and travels runs into trouble that the other fellow does not have.

Mr. COOPER. None of those countries fears an exodus to them of the poor immigrants from other countries. They are not confronted with the problem that confronts us. We are the great Eldorado where they want to come, not to England, which is as hard up as a country can be, industrially speaking. There is a vast difference between the conditions.

Mr. SNOW. They have no immigration problem.

Mr. COOPER. No continental European country has that.

Mr. SNOW. I recognize that there must be some control exercised over immigration. I do believe this, that if the President were given authority entirely to waive the payment of fee for visé, not eliminate the visé requirement, but eliminate the fee, we could get the European countries to waive the visé requirement, because they have waived that with other countries; they have waived that among themselves and they are used to doing away with a visé requirement. From their standpoint the vexatious thing is that every one of their men who travel over here has to put up that \$10—their \$10 fee is a retaliation against the United States. If we did not have the fee, I think we could go a long way toward getting the visé requirement waived altogether by European countries.

There is another side to this thing that we hear mentioned. Take the case of a traveler passing through, an Australian or a New Zealander, on his way to Europe. He lands at Vancouver, and Americans there tell him that he ought to go down into the United States and see our national parks and look at American merchandise, if he is a merchant and contemplating going to Europe to buy. He says, "I have not any passport visé. Do I have to have it?" "Yes: you have to have it." We have a thing called a transit visé, issued for \$1, but that is not issued to anyone who stops over for any one of those purposes. If a man does not take his train right through, if he goes as a tourist in any way, he is taken out of the transit visé class. If we have the exemption from visé charges or have the visé charges reduced to a nominal figure, we would get a great many people who now take the Canadian route and do not get down here to stop in this country for business purposes at all. We would attract many people of that sort if this high visé charge were eliminated.

Mr. COOPER. Could they remedy that, and I see that is rather a serious thing in some ways, by extending the time for the transit, making it longer, and making a maximum period.

Mr. SNOW. That could be done, but they would have to change the transit visé altogether. They will not issue a transit visé at all to-day for a man for any purpose than transit through the country.

Mr. COOPER. Could not that law be amended to have this transit period permitting them to make this transit across the country in 30 days?

Mr. SNOW. Yes; but if this bill before the committee here now should be passed, cutting the fee down to a nominal fee—that is, authorizing the President to negotiate to cut it down or waive the fee altogether—that situation would be relieved as well as the others.

That concludes the statement I wish to make. I will be glad to answer any questions.

Mr. CONNALLY. Has the chamber of commerce conducted any propaganda in behalf of this bill?

Mr. SNOW. I would not say we have conducted propaganda on behalf of it; no. We have had correspondence with a number of the chambers.

Mr. CONNALLY. Have you written to every chamber member of your organization and asked them to write their Members of Congress?

STATEMENT OF MR. FRANK C. PAGE, MANAGER OF RESOLUTIONS AND REFERENDUM DEPARTMENT, UNITED STATES CHAMBER OF COMMERCE

Mr. PAGE. I would like to make a statement at this point. We communicated with Mr. Porter last year in regard to this subject and our support of it, and presented the resolution of the national chamber. When we understood that this matter was coming up with this committee, we informed the commercial and trade organization in our membership that this hearing would come and then gave them the opportunity of communicating with their Congressmen or with this committee.

Mr. CONNALLY. They had that opportunity already. You told them to do it?

Mr. PAGE. We told them the committee hearing was coming.

Mr. COOPER. Did you not suggest to them to write to Members of Congress?

Mr. PAGE. I have forgotten the exact wording. We gave them the opportunity.

Mr. CONNALLY. They had the opportunity. Do not tell the committee you have to give permission to your members to communicate with Congress. Did you not tell them to write their Members of Congress to urge this bill?

Mr. PAGE. No. The wording is not quite that strong. They have no method of knowing when hearings are to be held unless we or someone informs them.

Mr. CONNALLY. I do not care about the wording. You know what I mean.

Mr. PAGE. Yes; I will admit that.

Mr. CONNALLY. Then why did you not say so? That is all. I do not object to it. I just want the truth. Your reluctance is what arouses unpleasant feelings, which would not be if you had said yes.

Mr. PAGE. May I make a statement? The Chamber of Commerce of the United States does not undertake to go to an individual Congressman itself, but it undertakes to keep its membership in-

formed. The point I was trying to make clear is that we do not try to bring pressure on individual Congressmen as separate individuals. We try to keep our organization members informed on bills that they are interested in. We keep them informed of when committee meetings are being held. We do not in any way dictate which side a chamber of commerce shall take. We keep them informed and write and tell them when the committee hearings will be held or when a bill will come up, "and for your information, if you are interested in this bill, you may or should communicate with your Congressmen." Now, as a matter of fact, Mr. Connally, on most of the bills that come before Congress our members are not unanimous. We are divided as any other organization may be. Any position the United States chamber takes, however, represents a two-thirds majority in the expressions made of our member organizations, because we can not be committed except by a two-thirds majority; but we give all our chambers of commerce, and other organizations, no matter on which side they are, on any subject in which the chamber is committed, an opportunity to know everything the chamber is doing, and an opportunity to come before this committee or any other committee on either side at any time the national chamber appears. That is the reason I was trying to make an exception to your statement, that we are not urging them to support the national chamber without any knowledge on both sides of the question. They can come on either side, no matter how we are committed.

MR. CONNALLY. I do not object to you doing it. I simply wanted to know if you were.

MR. PAGE. I wanted to make it clear that the national chamber does not in any way control the individual action of any of its members.

MR. FAIRCHILD. Do they not ever try to influence them?

MR. PAGE. No, sir. Our position is entirely formed by vote of the members.

MR. FAIRCHILD. Were they not active in influencing Congressmen against the adjusted compensation bill?

MR. PAGE. Twenty per cent of our members were in favor of the adjusted compensation and they received from us exactly the same sort of letter and information as the organization in our membership that opposes adjusted compensation, and a great many of them came before Congress and the committees by letter in favor of adjusted compensation.

MR. FISH. Did not the Cleveland Chamber of Commerce go on record in favor of adjusted compensation?

MR. PAGE. We went on record against it.

MR. FISH. I say the Cleveland Chamber of Commerce?

MR. PAGE. Perhaps; I do not recall how they voted.

MR. FAIRCHILD. I think Pittsburgh did, too.

MR. PAGE. Twenty to 25 per cent of our chambers of commerce went on record in favor of adjusted compensation; 72 per cent against it.

MR. TEMPLE. In sending out information to the various member organizations, do you send copies of the bill with no comment, or do you send copies of the bill with your interpretation?

Mr. PAGE. We very seldom favor an individual bill.

Mr. TEMPLE. Or oppose an individual bill?

Mr. PAGE. It is the policy we deal with. In this case it seems to us that Mr. Fish's bill is a little closer to our policy than others. Last year, before his bill was introduced, we supported the principle of Mr. Porter's bill. We do not undertake to support or oppose individual bills because they are so likely to change that one can not gauge them; the principle may be entirely changed in a bill by an amendment.

Mr. TEMPLE. The word propaganda is coming to be used in a derogatory sense.

Mr. PAGE. Yes.

Mr. TEMPLE. To preach the gospel from the pulpit is propaganda.

Mr. PAGE. Yes, sir.

Mr. TEMPLE. Advocating a thing you believe in, or opposing a thing you do not believe in, according to the point of view, is propaganda.

STATEMENT OF MR. LEWIS E. HAAS, REPRESENTING SAN FRANCISCO CHAMBER OF COMMERCE

Mr. HAAS. Mr. Chairman and members of the committee, I want to voice the approval of the business interests of San Francisco as evidenced by the action taken by my organization in support of the movement whereby it is hoped Congress will act in some way to reduce the difficulties now experienced in travel and commerce abroad. The business interests of San Francisco, and I might say in Seattle also—that is, the Seattle Chamber of Commerce—have taken affirmative action on this matter. We feel there is an extensive hampering of travel and hampering of commerce by the imposition of the \$10 visé fee. I listened with a great deal of interest to the remarks of Representative Johnson, who is also from the west coast, concerning the difficulties involved if visé requirements are eliminated, and his views seemed in harmony with the principle my organization has adopted, in that it might be germane for this committee, if it sees fit to do so, to reduce the fee, as has been suggested, to \$2, or if it is necessary to continue the visé requirements, to not charge any fee at all. That would eliminate the fee difficulties.

We are very much in sympathy with the effort to facilitate trade and commerce, and I think that if it could be done without injuring our immigration, my organization would be in favor of the elimination of the visé itself entirely, but obviously we do not want to foster or argue for anything that will in any way bring up conditions as suggested by Mr. Cooper. So it would seem that if this committee in its wisdom should reduce the fee to \$2 and thereby only eliminate the revenue that comes in from the \$10 charge and at the same time facilitate commerce and travel in Europe and the Orient, a very wholesome thing would occur. Even though American business men are now selling their goods abroad to advantage, it seems to my organization that Congress and this committee should do everything possible to increase our foreign trade, and we think

a very helpful step would be accomplished if you would eliminate this hampering visé fee.

My organization is an organization composed of 8,000 members. This proposition has been very carefully considered and it is its opinion, that it would be very helpful if this committee would take the action contemplated. While I am not authorized to speak for them, I may say that I do know that the Seattle and Portland Chambers of Commerce have taken exactly the same position as our organization in this matter.

Mr. CONNALLY. Did they pass identically the same resolution?

Mr. HAAS. No, sir.

Mr. CONNALLY. You said they took identically the same action?

Mr. HAAS. The policy is the same. The organizations out there have recognized the difficulties, have taken up and considered this matter, and have all agreed that the asking of a \$10 fee for a visé is injurious to foreign commerce. I do not think they are suggesting what the remedy should be; they think this committee is qualified to settle that question. It is the policy they are interested in, and not in any particular remedy.

Mr. CONNALLY. Do you want to discontinue the passport bureau in San Francisco?

Mr. HAAS. No, sir.

Mr. CONNALLY. You want to keep that?

Mr. HAAS. Surely.

Mr. CONNALLY. If you do away with the visé—

Mr. HAAS (interposing). I am not advocating doing away with the visés.

Mr. CONNALLY. You stated that if we could devise a plan to do away with them entirely, it would be wise.

Mr. HAAS. If I said that I did not mean to say it. I am merely saying that you now exact a \$10 fee, and that if the fee itself can be eliminated, or reduced from \$10 to \$2, or \$1, I think that would be highly desirable.

Mr. CONNALLY. In other words, you want the passport bureau to stay there and control the visés?

Mr. HAAS. Certainly.

Mr. CONNALLY. But you want the taxpayers of the United States to pay what it costs to maintain the visé bureau and the people who get the benefit of it do not pay anything. Is that right?

Mr. HAAS. I do not think it hardly comes to that.

Mr. CONNALLY. You say you want to keep it there, but do not believe we should charge for it. Somebody will have to pay for maintaining the bureau in San Francisco for the convenience of the people. Who will pay for it, if not the taxpayers of the United States?

Mr. HAAS. The passport bureau is maintained for the issuance of passports. If Congress should carry out what you are suggesting, you would eliminate the facilitation of passport issuance not visés. I am not advocating that at all.

Mr. CONNALLY. You do not want to do that.

Mr. HAAS. No, sir.

Mr. TEMPLE. Of course, the passports issued by the bureau in San Francisco are passports issued to American citizens?

Mr. HAAS. That is true.

Mr. TEMPLE. Not visés on passports.

Mr. HAAS. No.

Mr. CONNALLY. Do I understand the State Department to recommend this legislation?

Mr. CARR. Yes. The State Department recommends that some steps be taken to remove the hardship on travelers arising from the visé system. If you get rid of the fees you remove a very heavy burden on Americans traveling in foreign countries, provided the foreign countries would reciprocally agree to reduce or remove their fees in return for our reduction or removal of fees. The removal of the visé altogether is obviously a question for Congress to determine. We do not mean to say whether that is a wise thing or not, or whether we can find a substitute which will accomplish the purpose of the visé in connection with the administration of the immigration law, but even if you were not to find any substitute for it and were to retain the visé, if you could get rid of the fees or even reduce them, it would help a great deal.

Mr. CONNALLY. How about \$5.

Mr. CARR. I do not think that is enough reduction. That is really too high for the ordinary traveler.

Mr. COOPER. Would \$2 pay the expenses? What is the margin between expenditures and receipts?

Mr. CARR. Last year 172,000 immigrant aliens came into this country. I think probably from forty to fifty thousand of those were aliens from contiguous countries that did not require passports. How many more there were of aliens who came within the class of those exempted from payment of passport fee I do not know. There are no statistics on which to determine that. But suppose you should deduct simply the nonimmigrant aliens from contiguous countries who do not require passports, you bring the number to whom the proposed bill would apply to a total of 125,000.

Mr. FISH. Does that include the resident aliens also who go north and come back.

Mr. CARR. I have not statistics to enable me to determine that.

Mr. BEAMAN. The returning travel is nonquota immigrants.

Mr. CARR. Returning travelers in the immigrant class.

Mr. CONNALLY. Several years ago Mr. Sabath had a bill and it was ust \$2, and if I am not mistaken, you said that you thought \$5 would be all right.

Mr. CARR. What you have in mind, I am sure, is when it was proposed to raise the fee for passports and visés from \$1 for the visé and \$1 for the applications, a total of \$2, up to a total of \$10, I made the statement in this committee that I thought \$5 ought to be the maximum.

Mr. CONNALLY. That may be what I had in mind.

Mr. CARR. I favored that and talked with Mr. Porter about it.

Mr. CONNALLY. I favored \$5 at that time, but this bill went to the Senate, and Mr. Porter went to Senator Lodge and the \$10 fee was put in the appropriation bill in the Senate, and it came back to the House and was concurred in. I offered an amendment when the bill was in the House to fix it as \$5, but Mr. Porter and Mr. Rogers made points of order, and when it went to the Senate, Senator

Lodge put an amendment for the \$10 fee on. It was just subsequent to the time you were before the committee on this general proposition.

Mr. CARR. I originally favored \$5 instead of \$10. With respect to the 125,000, I was talking about the probable number of nonimmigrants, to count in determining the loss to the Government in revenue; that loss would amount to \$1,250,000 out of the income last year of \$3,747,000, for visés alone, assuming that I am right about that figure of 125,000, but I have not the statistics and the Department of Labor has no statistics which would determine whether that number is too high or whether it should be smaller.

Mr. CONNALLY. How much money did we take in on visés last year?

Mr. CARR. From visés last year, \$3,747,000. The other side of that proposition, if I may mention it for just a moment, is that I believe that by the elimination or abolition of our fee, nonimmigrant aliens coming into this country as tourists for business or pleasure, we could get the other governments to eliminate their fees, and, as Mr. Snow said, possibly, their visé requirements of that kind altogether.

Mr. TEMPLE. Our travelers are practically all of the class of nonimmigrants. They have already agreed among themselves, or a large number of them, for reciprocal abolition of this visé requirement. But an Englishman goes to France, or a Frenchman goes to Great Britain without any visé requirements whatsoever, and Belgium the same way, and Italy, and other European countries. But if one of our people goes to those countries he has to pay \$10 for a visé because if one of their travelers comes here he has to pay \$10 for a visé to enable him to come here. I believe that we could do a great deal if the President had the power to even abolish visé fees altogether, or fix a less amount, the fee reduced to \$2, or something of that sort.

Mr. CONNALLY. Did we not have a hearing on that some time ago in which it appeared that some of the nations would reduce and some would not agree to reduce?

Mr. CARR. That was in the spring of 1923, and at that time we had sounded some of the nations and found a great many of them would, but others were reluctant to do it. I think they would be more likely to do it now than then.

Mr. MOORES. How many passports to each foreign country did we issue last year, approximately? What is the total number of passports issued to American citizens?

Mr. CARR. I think 139,106, the income from which was \$1,121,962.

Mr. MOORES. Do you think it would average three countries or four countries?

Mr. CARR. I do not know, where they went to. I should think the most people that visit Europe would certainly visit as many as three countries.

Mr. MOORES. To offset the one and a quarter million dollars that we got, we must have paid out at least three times that much and probably five times, that is, American citizens.

Mr. CARR. To use as an illustration, the case of the Congressman I spoke about a while ago, Mr. Brand said that he got a passport

for which he paid \$10, and it cost him \$60 or \$70 for visés in traveling around through Europe, so he must have visited six or seven countries, at least. That is only one of the many statements of that kind that have come to us. The statements that have come to the State Department have been mainly from traveling business men or tourists particularly, however, from business men.

Mr. MOORES. I should think as many as four times.

Mr. FAIRCHILD. What is the difference between tourists and persons traveling for pleasure?

Mr. CARR. In the Immigration Committee I think they make a distinction, the nature of which I do not know.

Mr. FAIRCHILD. You said "tourists or."

Mr. CARR. I blindly followed their lead and put in "tourist or."

Mr. BEAMAN. In that connection, Mr. Fish's bill, referring to Mr. Carr's suggested objection, uses the language granting them authority to reduce the fee in the case of nonimmigrant aliens desiring to visit the United States temporarily for a period not to exceed one year, and I suggest for consideration the desirability of leaving out mention of any period because it is desirable here to have this bill and the immigration law fit together. The immigration law exempted from the class of people who are required to have immigrant visés aliens visiting the United States temporarily as tourists or temporarily for business or pleasure. It is left to the regulations how long that stay should be. It does not seem to make any difference from the standpoint of this committee and the policy of this bill whether this regulation makes it 6 months or 2 years or 10 years. Whatever the regulations say constitutes a man a visitor temporarily for business or pleasure, that is the kind of man who does not have to have an immigrant visé but does have to have a passport visé and has to pay \$10, and that is the man you are trying to relieve here.

Mr. TEMPLE. I think you are right.

Mr. BEAMAN. It seems to me the language should read exactly as in the immigration law.

Mr. TEMPLE. This committee has no desire to interfere with the present immigration system, only the reduction of the fee to as small a limit as the committee sees fit, to suit the necessities of the case.

Mr. FISH. Explain, Mr. Beaman, your objections to the use of the word "nonimmigrant," striking out the word "nonimmigrant" in line 6.

Mr. BEAMAN. Simply to make the language conform absolutely to the immigration act of 1924.

Mr. FISH. About this provision at the end, do you think that provision is necessary in the bill?

Mr. BEAMAN. I said several times it all depends on what your policy is. If you settle your policy I can make suggestions. The question is, do you want to leave the present law exactly as it is, giving the President authority to waive or reduce fees, whatever amount you fix?

Mr. TEMPLE. Is not that practically what the committee would like to do?

Mr. FAIRCHILD. In that case you do not need the proviso.

Mr. BEAMAN. In your opinion, is there anything in that which could be construed as an intimation that the President did not have the power?

Mr. FAIRCHILD. If you leave out the proviso, or leave it as it is under the wording of this proposed resolution? If you put in the proviso, you at least invite the question as to whether the wording of the proviso does not make law what up to the present time is not law.

Mr. FISH. Do you see any necessity of having this? It was suggested by you, Mr. Carr?

Mr. CARR. My own personal opinion is that this draft, just as it stands, leaves the law exactly where it is to-day, that is, leaves the power in the President to waive visés entirely if he wishes to do so at any time. But some one in our department suggested that, perhaps, by implication the enactment of this law without a proviso might be construed to mean that Congress had taken the power away. I do not think so myself. I think the President still retains that power.

Mr. FAIRCHILD. The phraseology relates only to the question of fees.

Mr. BEAMAN. Make the thing certain if you can. If you see fit to say that the President can take away the requirement that there shall be a passport fee, or if you want to continue the system whereby the amount of the fee is in the discretion of the President, also whether or not there shall be a visé on the part of the President, make that certain in the bill so that there will be no anxiety and no doubt.

The term "immigrant" is defined in provisions of the law.

(Thereupon, at 12.55 o'clock p. m., the committee adjourned to meet again at 10 o'clock a. m., Tuesday, January 27, 1925).

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Wednesday, January 28, 1925.

The committee met at 10 o'clock a. m., Hon. Henry W. Temple presiding.

Mr. TEMPLE. We will proceed with the hearings on the bill H. R. 11957, introduced by Mr. Fish, to authorize the President in certain cases to modify visé fees. The new bill introduced by Mr. Fish is as follows:

A BILL To authorize the President in certain cases to modify visé fees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding existing law fixing the fees to be collected for visés, of passports of aliens and for executing applications for such visés, the President be, and he is hereby, authorized to the extent consistent with the public interest, to reduce such fees or to abolish them altogether, in the case of any class of aliens desiring to visit the United States who are not "immigrants" as defined in the immigration act of 1924, and who are citizens or subjects of countries which grant similar privileges to citizens of the United States of a similar class visiting such countries.

STATEMENT OF MR. WILBUR J. CARR, ASSISTANT SECRETARY OF STATE

Mr. CARR. The act of May 22, 1918, entitled "An act to prevent in time of war departure from or entry into the United States contrary to the public safety," provided that when the United States is at war if the President should find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by that act should be imposed upon the departure of persons from and their entry into the United States, and should make public proclamation thereof, it should be unlawful for any alien to depart from or enter or attempt to enter the United States except under such reasonable rules, regulations, and orders as the President should prescribe. The President's regulations issued pursuant to this act required that aliens seeking to come to the United States should present passports viséed by American consuls as a condition to entry into the United States.

The act making appropriations for the Diplomatic and Consular Service approved June 4, 1920, fixed the fee for the application for a visé at \$1 and for each visé of a passport of an alien at \$9.

The act of March 2, 1921, provided that the provisions of the act of May 22, 1918, in so far as they related to requiring passports and visés from aliens seeking to come to the United States, should continue in force and effect until otherwise provided by law.

The immigration act of May 24, 1924, provided that immigrant aliens coming to the United States should present immigration visés issued by American consuls, and that act fixed the fees for such immigration visés at \$1 for the application and \$9 for the visé. It also required that immigrant aliens should not be required to pay a fee for the visé of their ordinary passport if such a visé should be required by their own country in addition to the immigration visé required by the immigration act.

Therefore, at present an immigrant alien is required by a special act to present as a condition to his entry into the United States an immigration visé for which he must pay the American consul a fee of \$1 for the application and of \$9 for the visé itself. Although the law of his own country may require that his passport should be viséed by the American consul, he is relieved from paying a fee in addition to that which he has paid for his immigration visé.

The nonimmigrant alien traveling for business or pleasure, to whom the provisions of the immigration act respecting immigration visés are not applicable, must pay a total fee of \$10 for his application and the visé of his passport, if, as at present, the regulations of the President under the act of May 22, 1918, require the presentation of a viséed passport as a condition to admission into the United States. The President has the power to waive the visés altogether, but not to reduce or waive the fee.

For several years business men and travelers have protested against the necessity for requiring viséed passports for the purpose of travel. The claim has been made that the war-time need for such restrictions no longer exists, that the requirement of visés results in great inconvenience, and the high fees collected therefrom imposes a heavy burden upon travelers. It is also claimed that a number of foreign

governments already have reciprocal arrangements by which visé requirements are waived, and that the business men of those countries have a distinct advantage over American business men in being relieved of the inconvenience of obtaining visés on their passports and of the burden of paying the high fees therefor. Therefore, it has been most strongly urged that the United States should abolish its requirements of visés upon the passports of nonimmigrant aliens and endeavor to obtain the abolition of visé requirements with respect to Americans traveling abroad for business or pleasure.

In view of these representations, President Harding on February 5, 1923, recommended that in order to enable him to negotiate with foreign governments for the abolition of visés on the passports of nonimmigrant aliens, or at least the abolition or considerable reduction of the fee for such visés, he be given authority to waive visé requirements or abolish or reduce fees for visés for nonimmigrant aliens. A bill partly responsive to that recommendation was passed by the Senate authorizing the President to reduce visé fees to \$2 on passports of aliens whose governments should grant reciprocal concessions. No action upon the bill was taken by the House of Representatives. Recently the Secretary of State, with the approval of the President, has urged that early consideration be given to legislation upon this subject.

The bill introduced by Mr. Fish is in entire accord with the President's recommendation, but it is understood to be the view of the committee that it would be unwise to abolish the visé for nonimmigrant aliens coming to the United States because of the adverse effect which that action would have upon the administration of the immigration act of 1924. The new bill now before you, from which has been eliminated the authorization to abolish visés, proposes to give the President power to abolish or reduce fees for visés upon passports of nonimmigrant aliens whose governments grant similar privileges to American travelers. That bill has the entire approval of the Department of State, which hopes that it may be enacted into law.

It may be suggested that the loss of revenue to the Government which would result from abolishing visés for nonimmigrant aliens coming to this country would make the enactment of the bill objectionable. Statistics obtained from the Department of Labor indicate that the bill in its present form, if enacted into law, would apply to only about 68,785 nonimmigrant aliens. At \$10 each, that would mean a loss to the Treasury of approximately \$687,850. When it is remembered that the total fees received for visés during the year 1924 amounted to \$6,700,000 and over, it will be apparent that this reduction would still leave the Consular Service, which cost during that year about \$5,000,000, self-supporting and turning into the Treasury a profit of more than \$1,000,000. Against this small loss of \$687,850 is to be considered the outlay of Americans traveling abroad for the viséing of their passports. A foreigner coming to the United States pays a total visé fee of \$10, but an American going to Europe, who more than likely travels in a number of countries, pays a visé fee of \$10 for each of many of those countries, and it is not unusual for a traveler to pay from \$50 to \$100 for visé fees. In 1924 the Department of State issued 139,106 passports to Americans going abroad,

and received for those passports \$1,121,962. Assuming 100,000 of the holders of American passports went to Europe and that they visited only three countries each, their outlay for visés was probably as much as \$3,000,000. There would therefore seem to be no strong reason on the ground of loss of revenue why the bill now before you should not be regarded favorably.

Mr. COOPER. That takes out the provision doing away with the passports altogether.

Mr. TEMPLE. Yes; after talking the matter over, the legislative drafting committee got a pretty definite idea of what seemed to be the harmonious wish and the almost unanimous idea of the members of the committee, and, speaking for myself, I will say that he succeeded in putting into plain English exactly what I wanted. If the other members of the committee feel the same way about it, I think we are ready to act on it.

Mr. LINTHICUM. What about abolishing them altogether? Are you in favor of that?

Mr. TEMPLE. Notice what is to be abolished.

Mr. LINTHICUM. I notice the reference to visés.

Mr. TEMPLE. No; not the visés, but the fees for visés.

Mr. COLE. He may reduce such fees or abolish them altogether.

Mr. TEMPLE. The fees may be abolished, but not the visés.

Mr. LINTHICUM. What constitutes the fees?

Mr. FISH. It does not do away with the visés at all.

Mr. LINTHICUM. Why should we abolish the fee altogether? The fee is now \$10, is it not?

Mr. TEMPLE. Yes.

Mr. LINTHICUM. Why abolish the fees altogether?

Mr. FISH. They will not be, for the reason that a lot of countries will not abolish them at all. For instance, take Italy, they will not abolish them because they have the better end of the proposition. They have the better end of the proposition because many more people go from here to Italy on business and pleasure than come from Italy here. They will probably not agree to reduce the fee below \$10, but, naturally, where they can be abolished, it will be so much the better. We have a profit or a surplus of about \$1,500,000 in the entire conduct of the Consular Service due to visé fees paid by immigrants coming in, and which we are not touching in this bill. The fees derived from the visé of the passports of nonimmigrants amount to from half a million dollars to \$1,000,000, and you still have that surplus of \$1,500,000.

Mr. LINTHICUM. If this bill should become a law, to what extent do you estimate the revenue will be reduced?

Mr. FISH. I do not suppose it will be reduced by more than \$400,000, and that will still leave a surplus of over \$1,000,000.

Mr. LINTHICUM. I have in mind our argument before the House in favor of the Rogers bill, when it was claimed that the visé fees that the Government receives were paying the entire expense of the foreign service, and that practically very little, if any, of the expense for the foreign service comes out of general taxation. It was stated that nearly all of it, if not all of it, came from the visés. That is what we told the House when the Rogers bill was under consideration. I think there should be some modification made, but it seems

to me that we are going a long way when we give the President absolute authority to do away with the fees in certain instances or under certain conditions.

Mr. TEMPLE. That would not be done in the case of immigrants.

Mr. LINTHICUM. I understand that immigrants are not included in this proposition.

Mr. COLE. But if we surrendered some of our income for that source, it would probably mean ten times as much saved by our citizens who travel abroad.

Mr. BURTON. I think we must look at this in a large way, and not simply from the standpoint of revenue to the Government. We should consider the inconvenience and expense to which our own citizens are subjected while traveling in foreign countries. It is clearly enough expressed in this bill that it is reciprocal.

Mr. TEMPLE. Yes. The bill reads:

In the case of any class of aliens desiring to visit the United States who are not "immigrants" as defined in the immigration act of 1924, and who are citizens or subjects of countries which grant similar privileges to citizens of the United States of a similar class visiting such countries.

Mr. FISH. In negotiating, you must give the President considerable latitude. It might be that the President or the State Department, in conducting these negotiations, might not think it advisable to reduce the fee below \$2, but in some countries they might not reduce them unless you eliminated the whole thing.

Mr. BURTON. We have a charge of \$10, the French have a fee of \$2, and the amount varies in different countries.

Mr. FISH. Yes.

Mr. LINTHICUM. Where do you find that the matter of reciprocal relations is brought out clearly in this bill?

Mr. TEMPLE. In the last bill the word "reciprocal" is not used, but it provides that the President shall do this for persons who are citizens or subjects of countries which grant similar privileges to citizens of the United States of a similar class visiting such countries.

Mr. FISH. In certain countries they do not pay anything now.

Mr. BURTON. There has been no proposition advanced with regard to reducing passport fees.

Mr. TEMPLE. No.

Mr. FISH. Some countries do not charge any visé fees. For instance, Belgium does not, and it seems to me that we should be able to meet them on that. That is a fair proposition, it seems to me.

Mr. LINTHICUM. Do you think that the words "similar privileges" are sufficient to cover all like visé charges?

Mr. COLE. It can be made to serve that purpose under the State Department's interpretation of it.

Mr. TEMPLE. I do not think it is susceptible to any other interpretation. What other interpretation could be put on those words?

Mr. LINTHICUM. I do not know that that would cover the money charges.

Mr. COLE. It says, "similar privileges," and the only thing referred to is the reduction of visé fees.

Mr. BURTON. What do you think of that, Mr. Carr? Would it add to the clearness of the language if the word "reduction" were

placed there in connection with "similar privileges"? The probability is that we will have to make a rather complex text, because it contemplates reduction and abolition.

Mr. CARR. I think the reason we had for using the words "similar privileges" was that we thought that possibly by the reduction, or even by the abolition, of our own fees, in the negotiations, other governments could be induced to waive their visé requirements altogether on this class of American travel. As I understood the view of Mr. Fish and the committee the other day, it is not now the intention to waive the visé, but, rather, to retain the visé, and authorize the President in negotiating to concede the entire amount of our fee if by so doing he can get a complete waiver of the fee or a complete waiver of the visa requirement on the part of other governments, which it is not improbable can be done.

Mr. BURTON. Looking at it from the standpoint of the State Department, is this clear enough for your purposes?

Mr. CARR. It is clear enough for the State Department.

Mr. BURTON. Your thought would be to make a reciprocal reduction to their standard and to abolish the fee if they abolish the fee.

Mr. CARR. Yes, sir. If you should use the term "like concessions from other Governments," then, in order to get a complete abolition of the visé requirement, we would have to abolish our visé.

Mr. BROWNE. The provision reads:

The President be, and he is hereby, authorized, to the extent consistent with the public interest, to reduce such fees or to abolish them altogether, in the case of any class of aliens desiring to visit the United States who are not "immigrants" as defined in the Immigration act of 1924, and who are citizens or subjects of countries which grant similar privileges to citizens of the United States of a similar class visiting such countries.

That seems to be as clear as language can make it.

Mr. CARR. You would consider, would you not, the complete abolition by Great Britain of the visé requirement so far as American travelers are concerned, as being a similar privilege to our complete abolition of the visé fee?

Mr. TEMPLE. It would be similar, but not identical.

Mr. CARR. That, I thought, was what the committee had in mind.

Mr. LINTHICUM. Why do you use the word "reduce" in line 7 and then, down in line 11, use the words "similar privileges"? Why not carry that idea out and say, "which grants like reductions to citizens of the United States"?

Mr. TEMPLE. In line 7 the phrase is, "to reduce such fees or to abolish them altogether." Now you use the words "similar privileges" in order to cover both of those things.

Mr. LINTHICUM. Why not use the words "similar reductions"?

Mr. COLE. It is more than reduction; it is abolition.

Mr. COLLINS. Mr. Carr, from the way I read this bill, our country is not obliged to make as large or as small a reduction as other countries, but under the terms of this bill we can make any sort of reduction we see fit.

Mr. CARR. In the practical working out of it—

Mr. COLLINS (interposing). I am talking about the terms of it. Under this provision we could do away with the fees, even though they should make only a substantial reduction in their fees.

Mr. BURTON. The language is "similar privileges," and would that be "similar privileges"?

Mr. CARR. I would say that under that language it would be possible to reduce the fees on the part of the United States to, say, \$2, and accept a reduction on the part of a foreign Government of, say, \$2.50, or, perhaps, even \$3, but you may rest assured that this Government will not do anything of that sort. The main reason for the latitude afforded by the language employed is to permit the Secretary of State to get identical reductions, or to get better than identical reductions.

Mr. COLLINS. Under the terms of this bill we could absolutely abolish visé fees, while, so far as other countries are concerned, they might provide for making a reduction of only 50 per cent to us.

Mr. CARR. I do not think that would be "similar privileges." I do not think that would be a fair construction of the language.

Mr. BROWNE. In this connection "similar" means the same reduction, does it not?

Mr. FAIRCHILD. Approximately the same reduction.

Mr. FISH. Not identical, but approximately the same.

Mr. CARR. It must be approximately the same reduction.

Mr. COLLINS. It does not say "similar reduction," but it says "similar privileges."

Mr. COLE. How about using the words "grant corresponding privileges"?

Mr. LINTHICUM. They want that latitude.

Mr. CARR. If you grant corresponding privileges, would not that make them identical? What we want to get, if possible, is more than we receive, and in any event such latitude in negotiations as will insure success.

Mr. COLE. The word "corresponding" is a word that has latitude in it. It does not imply things that are absolutely alike.

Mr. COLLINS. What is it that you want to do, Mr. Carr?

Mr. CARR. We want to give the President power to make concessions in respect to reducing or abolishing our visé fees so that in negotiations with other Governments he can induce them to reduce their fees, and, if possible, to waive their visé requirements in respect to Americans going to Europe, in return for the waiving of the fee or the reduction of the fee on our part.

Mr. COLLINS. How much more do Americans pay than, for instance, English subjects pay over here?

Mr. CARR. It works something like this: A British subject coming into this country pays a visé fee of \$10, and an American going to Great Britain pays \$10 for his visé fee, but the American going to Great Britain generally wants to go to France, Belgium, Holland, Germany, or, perhaps, to several other countries. Therefore, by the time he gets through, he has paid anywhere from \$40 to \$100 for his visé privileges, whereas the foreigner coming over here pays a single fee of \$10, because he does not as a rule go to any other country.

Mr. COLE. Is it not a fact that a great many more of our people go abroad than there are foreigners who come over here?

Mr. CARR. I dare say that a great many more travelers go abroad from here than come over here from abroad, but the important

thing to our people is that they go to several countries instead of to one, so that the outlay on the part of our citizens is bound to be a great deal more than the outlay on the part of foreigners who come here.

Mr. COLLINS. Have you any figures on that at all?

Mr. CARR. Representative Brand, for example, wrote the department, complaining about the visé system, which he said caused an outlay on his part of between \$75 and \$100 for his visé fees to enable him to travel about Europe. He thought that it was exorbitant and that it was a burden on business.

Mr. LINTHICUM. Do you think that the foreign countries will agree with you on the subject of reduction?

Mr. CARR. We had very definite indications from them in 1923, when reduction was first proposed. We had indications then that a great many of them were willing to enter into negotiations to reduce the fees. Since that time, I think their attitude on this subject has been more favorable and I think it quite likely that they will make ample concessions.

Mr. COOPER. In these days, when we are looking for all the revenue possible, do you think that a fee of \$2 for such a great convenience as it is to have viséed papers that will carry you through a country would be an excessive charge, or would constitute a burden in any proper sense of the word? With the exception of the school teachers, whom we have been talking about, the other people visit not more than three or four countries. If they visited three countries, the visé fees would amount to \$6 and they could get all of the visas for those countries in New York City. They could get them in New Orleans, or they could get them in Chicago, with no inconvenience whatever, and consider what a wonderful convenience the Government is affording them by giving them a piece of paper that will take them without any sort of trouble through all those countries.

Mr. CONNALLY. I would like to know how many members of the committee have received complaints from school-teachers about these fees.

Mr. COOPER. I have never received any from teachers.

Mr. CONNALLY. I think they are simply using the school teachers as an excuse. I have seen a lot of school-teachers, but I have never heard any complaints from them on this score.

Mr. FISH. I have a letter from the superintendent of education at Buffalo making bitter complaint about it.

Mr. FAIRCHILD. On a number of occasions I have heard school-teachers complain about it in conversation.

Mr. FISH. The school-teacher may visit Europe once in a lifetime and they want to travel in all those countries.

Mr. COOPER. Suppose they visited 15 countries, with a fee of \$2, it would amount to only \$30.

Mr. FAIRCHILD. You should bear in mind that the United States Government does not impose this charge upon travelers for visés, but it is the foreign countries that impose the fees upon them.

Mr. MOORES of Indiana. In retaliation on us.

Mr. FAIRCHILD. And they collect many times more from our people than we collect from them.

Mr. COOPER. Suppose you made it read this way: "The President is authorized to reduce the visé fee to a minimum of \$2."

Mr. BURTON. Is it not better to leave them broad latitude in regard to the amount? It may be that they could induce them to abolish the visé requirements entirely, as to our people.

Mr. COOPER. I do not want to abolish it. I do not see why anybody could object to a moderate fee, and it means quite a number of dollars in the Treasury of the United States.

Mr. COLE. Do you not know that for every dollar that goes into the United States Treasury from this source American travelers must spend \$10 in European countries on account of these fees?

Mr. CONNALLY. I challenge that statement. That can not be true.

Mr. COLE. Ten times as many Americans travel abroad as Europeans come over here.

Mr. CONNALLY. We issued only 120,000 passports last year.

Mr. COLE. But those 120,000 people probably traveled in from 4 to 10 countries.

Mr. FAIRCHILD. That is an under statement, really.

Mr. COLE. We pay at least 10 times as much over there as foreigners pay in the United States.

Mr. TEMPLE. How many people, exclusive of immigrants, came into the United States last year?

Mr. CARR. The number of nonimmigrant aliens who came to the United States during the fiscal year 1924 is reported by the Bureau of Immigration as 172,406. But that department classified as nonimmigrant aliens all who were not new immigrants; hence there are included in that number some 78,700 persons who were not really nonimmigrant aliens traveling as tourists or for business or pleasure, but aliens who had been in this country and were returning to it. The Labor Department statisticians claim that the aliens admitted for periods of less than a year amounted to only 93,704. Of this number, however, a total of 21,362 came from Canada and Mexico and were born in those countries and required no passport visés and should of course be deducted, leaving some 72,300. From this number a further deduction of 3,615 is said to be necessary to cover persons coming in transit and Government officials who under the law receive visés free of charge. Thus the number to which in 1924 this bill would have been applicable had it then been law is brought down to 68,785. If the bill should result in complete waiver of visé fees on this number it would mean a loss to the Treasury of only about \$687,850.

Mr. TEMPLE. How many passports were issued to Americans?

Mr. CARR. About 139,000.

Mr. TEMPLE. So far as the numbers are concerned, they are about the same.

Mr. CARR. Yes, sir.

Mr. TEMPLE. In order to get that \$10 fee from 139,000 people, we submit to an arrangement by which each foreign country that the American citizen visits may charge him \$10, and if he visits four countries, this arrangement practically imposes a tax on the American citizen amounting to four times as much as we get into the Treasury from that source.

Mr. CARR. Yes, sir.

Mr. MOORES of Indiana. While traveling in 1913, I was perfectly amazed to observe that a little more than two-thirds of the passengers on the boat were women, and, perhaps, one-fifth of the women were wives. I should say that three-fifths of them were school-teachers and nurses. I went on the *St. Lawrence* one summer, and on that trip there was a Boston school-teacher who had visited every country in Europe. She went every summer and traveled as cheaply as she could.

Mr. CONNALLY. This demand comes from bankers and business men, and the school-teachers are simply used as a blind.

Mr. FAIRCHILD. We emphasize the business interests of the United States in this connection.

Mr. CONNALLY. Then, you want to clarify it by saying that it is for the business interests and not for the school-teachers. They should not hide behind the skirts of some little school-teacher.

Mr. FISH. I venture to remark that 10 times as much is paid by school-teachers on this account as by business men. The business interests are organized through the chambers of commerce, and we get their complaints. We do not get complaints from the other people because they are not organized.

Mr. TEMPLE. Mr. Connally says that the teachers are not growling about it, but it seems to me that we should look out for their interests whether they are growling or not.

Mr. CONNALLY. Yes; if you are doing it on account of the school-teachers, do it by all means, but do not say that the school-teachers are kicking about it when they are not. The ones who are kicking about it are the business men who are traveling for profit and are making money, and they are using the poor little school-teachers as a blind. That is a fraud, and I am surprised that the State Department would come here and make such a pretense as that.

Mr. MOORES of Indiana. I have seen any number of Columbia University students going abroad after graduation, and, as a rule, they are poor boys.

Mr. CONNALLY. I am in favor of helping the teachers, but do not use them as a smoke screen. I never heard of a single complaint from them.

Mr. FAIRCHILD. We are not using them as a smoke screen.

Mr. CONNALLY. The State Department wants to pay big salaries and wants increased appropriations all the time. Every chance they have to get money out of the Treasury, they do it. I am sorry that I can not vote for State Department propositions occasionally, but they do not give me a chance.

Mr. COLE. I am perfectly willing to put all of this on the basis of the business men.

Mr. CONNALLY. Why not say so, then?

Mr. COLE. Every man who goes abroad helps to sell our products, and that adds just so much to the prosperity of the farmers of Iowa and Texas.

Mr. COOPER. I want to make this suggestion, and it is the last thing I have to say on it. It is in reference to what Mr. Cole said and what others have said about the money going into the Treasury and money being taken from the pockets of American citizens who travel

in Europe. Now, if the fee were \$2, the amount of money coming into the Treasury would be how much? Would it be \$250,000?

Mr. CARR. About \$137,570.

Mr. COOPER. That would go into the Treasury of the United States.

Mr. CARR. Yes, sir.

Mr. COOPER. That money in the Treasury would be a common fund belonging to all of the people of the United States. Now, if you saved \$2 to each of the tourists going from this country, that would not deter them from going over there and spending this \$137,570 with the storekeepers and hotel keepers in Europe. Therefore, it does not save anybody anything, because they will spend the \$2 just the same.

Mr. BEGG. Are you talking about doing away with the visé entirely?

Mr. FISH. No.

Mr. CONNALLY. You said something about a revenue of \$137,570, but the statement was made that the revenue from this source amounted to \$3,700,000.

Mr. BEGG. What is the cost of the operation of this visé system?

Mr. CARR. The exact cost we do not know.

Mr. BEGG. Have you any idea?

Mr. CARR. The cost of the whole Consular Service is about \$5,000,000.

Mr. BEGG. I do not mean the whole service, because the whole service is not exclusively a visé service.

Mr. CARR. You can not figure out the exact cost of the visé system, because a great many officers and employees are working part time on it and the remainder of their time on other matters. You could not separate the visé work from the other except with a cost-accounting system which we do not possess. As I was going to add, the whole cost of the Consular Service in 1924 was about \$5,000,000, and the whole income from the Consular Service in 1924 was \$6,879,202.84. In other words, the service was self-supporting and about \$1,800,000 more than self-supporting. Of that \$6,879,000 the sum of \$3,747,345 was derived from visé fees.

Mr. BEGG. My position on the matter is this: I am perfectly willing to cut the charge for the visé down to a cost basis, but I am not willing to go below that. I think the organization ought to be self-supporting.

Mr. LINTHICUM. That is the point I raised on this bill. Under it you might abolish the thing altogether.

Mr. CARR. If you should pass a bill waiving the visé altogether on this class of travel, according to our understanding, it would still leave this service far more than self-supporting on the basis of last year's income.

Mr. TEMPLE. There is no proposal to cut off the fee of \$10 from immigrants, but this only applies to tourists or those coming in on business, under the treaties, of the nonimmigrant class, of whom there are about 68,785. That would leave the visé fees on the immigrants, which would be sufficient, with the other fees charged, to cover the whole cost of the service.

Mr. BEGG. Is there any likelihood of this being regarded as an action penalizing the poor man and letting off the man who is best qualified to pay? It seems to me that that kind of interpretation

might be put on it, that is, that we are sparing the man who is able to pay and putting the burden on the man to whom \$1 is like a million dollars.

Mr. FAIRCHILD. If that is not the fact, I would not be worried about what anybody would say about it.

Mr. BEGG. But would it be the fact, if this should become a law?

Mr. COLE. He pays for the privilege of coming in.

Mr. BEGG. He pays a head tax for that.

Mr. CARR. Over \$3,000,000 of the visé revenues are received from the immigrants.

Mr. FAIRCHILD. And that involves a larger part of the work.

Mr. CARR. A much larger part. The viséing of passports of non-immigrant aliens does not involve a great amount of work compared with the work required on account of the immigrants.

Mr. COLLINS. Was not the chief argument that was used for the passage of the Rogers bill the fact that they received these fees?

Mr. CARR. That argument was one used to justify increased appropriations. The argument was that the service was self-supporting.

Mr. COLLINS. I have a report on the Rogers bill, and I notice that you people undertook in this report to show that the State Department was almost self-sustaining. It is set out there so that anybody can see it.

Mr. CARR. That was because the members of Congress wanted to know how much additional outlay the Government would be called upon to make to put the Rogers bill into operation.

Mr. COLLINS. Was it stated in the hearings on the Rogers bill that the reason that this matter was postponed was in order to show receipts as large as possible?

Mr. CARR. I do not quite follow you.

Mr. COLLINS. Was not that the reason why this visé bill was postponed and no action taken on it by this committee? Was it not due to the fact that the State Department wanted to show as large receipts as possible?

Mr. CARR. The committee may have had that in mind, but the State Department was consistently urging the passage of the visé reduction bill.

Mr. LINTHICUM. I know the argument was made that these increased salaries and these retirement provisions, etc., would not be a charge upon the people because they would be paid for out of the revenues of the visé service.

Mr. COLE. Mr. Carr has already stated that if we passed this bill the service would still be self-supporting.

Mr. BEGG. If we changed \$1 or \$2, or any other fee, it would be just as obnoxious as \$10, would it not, or is that the position of the State Department?

Mr. CARR. No, sir; it would not be as obnoxious as \$10. The chance of getting adequate concessions from other governments would be greatly increased—

Mr. BEGG (interposing). What would be in the mind of the State Department in the way of concessions?

Mr. CARR. If we give a full and complete waiver of our fee, we hope that they would be willing to eliminate their visé requirements altogether on this class of travel.

Mr. BEGG. We would have done nothing except to cut the fee.

Mr. CARR. That is true.

Mr. BROWNE. We would have them to do away with the visé requirements altogether on our people.

Mr. CARR. Yes, sir; if they could be persuaded to do so.

Mr. BROWNE. Would there be danger of people coming over here saying that they were travelers, as Mr. Johnson, I think, indicated the other day, and then not being examined as immigrants are?

Mr. CARR. There is no proposal, as I understand it, before the committee now to waive the visé. The bill was revised the other day and this bill only proposes to waive the fee for the visé, not abolish the visé itself.

Mr. BROWNE. You spoke of foreign countries waiving the visés.

Mr. CARR. They might waive the visé requirement as to our people going abroad if we should abolish our fee.

Mr. BROWNE. Would they do that without our waiving the visé requirement as to their people coming over here?

Mr. CARR. I do not know, but we have hopes that they would if we should waive the fee.

Mr. FISH. You are looking at it from the standpoint of the American citizen.

Mr. CARR. As a matter of fact, we are not interested primarily in waiving visés, or reducing visé fees for foreigners coming to this country, except for what it will accomplish for the benefit of Americans going abroad. Now, if we could have the fee reduced for Americans going abroad, or if we could have the visé requirement abolished as to Americans going abroad, it seems to us that it would be well worth the small loss of revenue to the Treasury.

Mr. BEGG. Unless you get the visés abolished in foreign countries, you will have done nothing, because, as I gather it, the complaint is about the bother of getting the visés rather than the fee. Now, if \$10 is too high, I would not be adverse to going to \$5. On the other hand, if you continue to be compelled to get visés in other countries, I do not see where you will have done anything.

Mr. CONNALLY. In case we should pass this bill allowing you to reduce the fee provided other countries did so, would you try to arrange different fees for different countries, or would you fix a uniform basis for all countries?

Mr. CARR. What we would try to do would be to get the other Governments to agree to some uniform practice. If we could not do that, we would have to agree to different fees in the different countries.

Mr. CONNALLY. Could you afford to do that? Would you not have to fix a uniform fee? If you fixed a fee for ourselves at a low point, you could hardly afford to say that you would charge a German \$5 for viséing his passport and charge an Italian \$1 for viséing his passport.

Mr. CARR. But that is precisely what they do to us.

Mr. CONNALLY. But could we afford to do that?

Mr. CARR. The British, for example, charge a fee of \$10 for viséing our passports and there is no charge for viséing a French passport. Some of the other nations have nominal fees.

Mr. CONNALLY. But could we afford to do that? For instance, England is doing that and you are commenting on it. Could we afford to make that kind of distinction?

Mr. CARR. Yes, sir; I think we could for the benefit of our own people.

Mr. COOPER. How would this language suit you:

That notwithstanding existing laws fixing a fee of \$10 to be collected for visés of passports of aliens and for executing applications for visés, the President be, and he is hereby, authorized, to the extent consistent with the public interest, to reduce such fees to the sum of \$2 in the case of any class of aliens desiring to visit the United States who are not "immigrants" as defined in the immigration act of 1924, and who are citizens or subjects of countries which grant a corresponding reduction in the fee for viséing passports of citizens of the United States.

That would permit a reduction of the fee to \$2, and that, as I understand it, will bring in, possibly, \$137,570 to the Treasury. It would not be a burden to anybody, and I do not see why it would not be a wise thing.

Mr. CARR. The objection to it is that it limits the concession very definitely. It limits the concession that we can expect from foreign countries to a minimum of \$2, and, therefore, we could not hope for any further concession from them in the way of fees or in the abolition of visé requirements.

Mr. COOPER. I do not want to throw all of that money out of the Treasury.

With a fee of \$2, a traveler visiting Europe could go through three countries at a cost of \$6 for visé fees, and through four at a cost of \$8, and that would cover 95 per cent of the travelers.

Mr. CARR. It would be a good thing to have the fee reduced to \$2, but that is not what we understand the traveling public wants or what they are demanding.

Mr. LINTHICUM. What they want is not to be compelled to have their passports viséed at all?

Mr. CARR. The State Department would be glad if their request could be granted. But the committee the other day expressed the view that it did not deem that course wise.

Mr. COOPER. You heard the representatives of the chamber of commerce yesterday, and each one of them said that a reduction to \$2 would afford very good relief.

Mr. FISH. I think they said that they would be willing to maintain the visé.

Mr. COOPER. They were referring to a fee of \$2.

Mr. FISH. It seems to me that the answer to the question you propounded was from one person who said, I think, that this was a highly improper tax upon American citizens. It is not only an imposition, but a nuisance, and a thing that should not be imposed upon the American citizen.

Mr. BEGG. Will you let me ask you a question?

Mr. FISH. Yes.

Mr. BEGG. Suppose some Americans should go to Armenia and get into difficulties, requiring an expenditure on the part of the United States of a million dollars for their relief, or for bringing them home. Do you think it is improper to make them pay a little contribution toward that expense in this way?

Mr. COLLINS. There are men travelling in Europe with American passports who have not been here for 25 years. If you take the little countries in northern Europe, you will find that three-fourths of the travel is performed under American passports.

Mr. BEGG. I do not think it is an improper assessment at all, because there are certain things that the United States Government must do for them because they are travelers. They are things that they do not have to do for me if I stay at home.

Mr. FAIRCHILD. We are not discussing the passport, or the charge for the passport, but we are discussing the matter of the visé fees charged by foreign governments.

Mr. BEGG. Suppose a European comes over here and we charge him \$2 to get his passport viséd. If something happens to him, what do we do? We have to spend money in taking care of him that we would not need to spend if he were not over here. We want them to come and they want us to come, but so far as this being an unjust assessment on them, or an unreasonable amount, I can not see it at all.

Mr. FISH. The whole thing is nothing but a war measure.

Mr. FAIRCHILD. I think you stated that Great Britain requires no visé of passports for Frenchmen?

Mr. CARR. Yes, sir; that is because they have an arrangement with the French. It is reciprocal.

Mr. FAIRCHILD. France requires no visé of English passports.

Mr. CARR. That is true. It is true of a number of European governments. Holland, I know, has an arrangement with certain other countries by which no visés at all are required. France has such arrangements, and Czechoslovakia has such arrangements with certain European governments. They have reciprocal arrangements under which they abolish the visé requirements entirely.

Mr. BROWNE. You would not be in favor of our abolishing the visé requirement as to those coming into this country, would you?

Mr. CARR. Yes; the Secretary would be glad to have that done if it should meet with the approval of Congress. That subject, as I said the other day, is one which the State Department submits to the committee. The department has received many requests from business men and others recommending the abolition of the visé itself, but the department, knowing that Congress has its own policy with respect to visés, and has adopted the visé in connection with the administration of the immigration law, submits that for whatever consideration Congress can give the question of abolishing visés altogether on non-immigrant travel. The department strongly recommends that authority be given the President to abolish fees for visés on non-immigrant alien passports if by so doing such fees can be abolished in respect to Americans visiting foreign countries.

Mr. BROWNE. I think Mr. Johnson made it clear that if we abolished the visé requirement in this country, it would prevent the examination abroad of immigrants. It would prevent their examination before they came over here.

Mr. CONNALLY. You testified, Mr. Carr, that the consular establishment costs how much?

Mr. CARR. \$5,000,000.

Mr. CONNALLY. How much does the Diplomatic Service participate in that cost?

Mr. CARR. A little over \$2,000,000, and the State Department proper a little over a million and a quarter dollars.

Mr. CONNALLY. As I recall the appropriation bill for the State Department service, it is about \$16,000,000.

Mr. CARR. A little over \$16,000,000 in 1925, of which \$5,000,000 is paid to Colombia which does not enter into the operation of the State Department; \$250,000 to Panama for the Panama Canal privilege and about \$500,000 for our share of the expenses of international commissions and bureaus to which the United States is a party.

Mr. LINTHICUM. I would ask that Mr. Carr make that a part of the hearings in this case.

Mr. CONNALLY. Would you file for the benefit of the committee the exact statement as to the passport and visé fees received by the department?

Mr. CARR. Our own passport fees?

Mr. CONNALLY. Yes.

Mr. CARR. Yes.

Mr. CONNALLY. And the estimated amount of the passports?

Mr. CARR. \$1,500,000.

Mr. LINTHICUM. And estimated, if you do away with this portion of the visé fees.

Mr. CARR. That is all in the record. It is a guess but the best we can do.

Mr. COOPER. I move that the last vote be made a part of the hearings if the other one was.

(Statement subsequently submitted by Mr. Carr.)

The Budget for 1926 shows the expenditures for the Department of State and foreign intercourse for the fiscal year 1924 to have been as follows:

Department of State proper.....	\$1, 157, 212. 68
Foreign service (diplomatic and consular).....	7, 789, 187. 03
Foreign intercourse (international commissions and bureaus)....	5, 714, 453. 15
Trust funds.....	18, 524. 03
Total expenditures	14, 679, 376. 89
Receipts.....	8, 339, 302. 02
Net cost to the Government.....	6, 340, 074. 87
Deduction of foreign intercourse because properly not operating expenses	5, 714, 453. 15
Real net cost	645, 621. 72

The reason for the deduction of the expenses of foreign intercourse on the ground that they are not operating expenses is that these expenses represent the payment by the United States annually to Colombia of \$5,000,000, the annual payment to Panama for Panama Canal rights, \$250,000, and the expenses incident to the participation of the United States in various international commissions and bureaus pursuant to treaties between the United States and other governments. These nonoperating expenses amount altogether to \$5,714,453.15, and are not properly chargeable to the operation of the Department of State, although they are carried in the act making appropriations for the Department of State.

In the item of receipts amounting to \$8,339,302.02 are included consular fees amounting to \$6,879,202.87, of which over \$3,700,000 were for visés granted to aliens coming to the United States, and \$1,235,298.39 for passports granted by the Department of State to American citizens proceeding abroad.

(Thereupon, the committee proceed in executive session and adjourned.)

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